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Case: 5:09-cr-216-1 As of: 03/08/2019 12:56 PM EST 1 of 31

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CLOSED, USMJ Gates

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC

U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CRIMINAL DOCKET FOR CASE #: 5:09-cr-00216-FL-1

Case title: USA v. Boyd et al

Date Filed: 07/22/2009
Date Terminated: 08/24/2012

Assigned to: District Judge
Louise Wood Flanagan

Defendant (1)

Daniel Patrick Boyd
TERMINATED: 08/24/2012
also known as
Saifullah
TERMINATED: 08/24/2012

represented by **Debra C. Graves**
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Pending Counts

Conspiracy to provide material support to terrorists
(1)

Disposition

Dismissed Dismissed

Conspiracy to provide material support to terrorists
(1ss)

Bureau of Prisons – 180 months, to be served concurrently with Count 2ss – Supervised Release – 3 years – Special Conditions imposed – Special Assessment \$100.00 – due in full immediately – Fine \$3,000.00 (interest waived) – due in full immediately – Counts 3 through 11ss dismissed – Recommendations include placement at FCI Butner, NC

Conspiracy to murder, kidnap, maim, and injure persons in a foreign country
(2)

Dismissed Dismissed

Conspiracy to murder, kidnap, maim and injure persons in a foreign country
(2ss)

Bureau of Prisons – 216 months, to be served concurrently with Count 1ss – Supervised Release – 5 years – Special conditions imposed – Special Assessment \$100.00 – due in full immediately – Fine \$3,000.00 (interest waived) – due in full immediately – Recommendations include placement at FCI Butner,

NC

Receiving a firearm through interstate commerce (3)	Dismissed	Dismissed
Possession of a firearm in furtherance of a crime of violence (4)	Dismissed	Dismissed
Selling or otherwise disposing of a firearm and ammunition to a person knowing and having reasonable cause to believe such a person had been convicted of a crime punishable by imprisonment for a term exceeding one year (5)	Dismissed	Dismissed

**Highest Offense Level
(Opening)**

Felony

Terminated CountsConspiracy to provide material
support to terrorists
(1s)**Disposition**

Dismissed

Conspiracy to murder, kidnap,
maim and injure persons
(2s)

Dismissed

Receiving a firearm through
interstate commerce
(3s)

Dismissed

Receiving a firearm through
interstate commerce
(3ss)

Dismissed

Possession of a firearm in
furtherance of a crime of
violence
(4s)

Dismissed

Possession of a firearm in
furtherance of a crime of
violence
(4ss)

Dismissed

Selling or otherwise disposing of
a firearm knowingly to a
convicted felon
(5s)

Dismissed

Selling or otherwise disposing of
a firearm and ammunition
knowing and having reasonable
cause to believe such a person
had been convicted of a crime
punishable by imprisonment for
a term exceeding one year;
Aiding and abetting
(5ss)

Dismissed

Dismissed

False statements (6-7)	
False statements (6s-7s)	Dismissed
False Statements (6ss-7ss)	Dismissed
Possession of a firearm in furtherance of a crime of violence (8s)	Dismissed
Possession of a firearm in furtherance of a crime of violence (8ss)	Dismissed
Selling or otherwise disposing of a firearm knowingly to a convicted felon (9s)	Dismissed
Selling or otherwise disposing of a firearm and ammunition knowing and having reasonable cause to believe such a person had been convicted of a crime punishable by imprisonment for a term exceeding one year (9ss)	Dismissed
Selling or otherwise disposing of ammunition knowingly to a convicted felon (10s)	Dismissed
Selling or otherwise disposing of ammunition knowing and having reasonable cause to believe such a person had been convicted of a crime punishable by imprisonment for a term exceeding one year (10ss)	Dismissed
Conspiracy to kill a federal officer or employee (11s)	Dismissed
Conspiracy to kill a federal officer or employee (11ss)	Dismissed

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by Amy N. Okereke
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Date Filed	#	Docket Text
07/22/2009	<u>1</u>	MOTION to Seal Indictment by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Cress, L.) (Entered: 07/23/2009)
07/22/2009	<u>2</u>	ORDER granting <u>1</u> Motion to Seal Indictment as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Jude Kenan Mohammad (6), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8). Signed by USMJ Robert Jones on 7/22/09. (Cress, L.) (Entered: 07/23/2009)
07/22/2009	<u>3</u>	INDICTMENT as to Daniel Patrick Boyd (1) counts 1, 2, 3, 4, 5, 6-7, Hysen Sherifi (2) counts 1, 2, 4, Anes Subasic (3) counts 1, 2, Zakariya Boyd (4) counts 1, 2, 4, Dylan Boyd (5) counts 1, 2, 5, Jude Kenan Mohammad (6) counts 1, 2, Mohammad Omar Aly Hassan (7) counts 1, 2, Ziyad Yaghi (8) counts 1, 2. (Cress, L.) (Entered: 07/23/2009)
07/22/2009	<u>4</u>	Warrant Requested by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi (Cress, L.) (Entered: 07/23/2009)
07/23/2009	<u>13</u>	Arrest Warrant Issued by Clerk of Court in case as to Daniel Patrick Boyd. (Cress, L.) (Entered: 07/24/2009)
07/27/2009		Set Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi: Initial Appearance set for 7/27/2009 02:30 PM in Raleigh - 6th Floor Courtroom before USMJ William A. Webb. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009	<u>21</u>	Minute Entry for proceedings held before USMJ William A. Webb: Initial Appearance as to Daniel Patrick Boyd held on 7/27/2009 in Raleigh. John Bruce and Barb Kocher for government. Diana Periera for Federal Public Defender Office. CJA completed and Federal Public Defender appointed for Daniel Boyd. Government moves to unseal the indictment as to Daniel Boyd. Government provides court with a redacted copy. Defendant advised of charges, rights and maximum penalties. Government moves for detention. Detention hearing set for Thursday, July 30th at 10 a.m. Defendant remanded to custody of the U.S. Marshal. (Court Reporter FTR.) (Bunn, A.) (Entered: 07/27/2009)
07/27/2009	<u>22</u>	CJA 23 Financial Affidavit by Daniel Patrick Boyd. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009	<u>23</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Daniel Patrick Boyd. Signed by USMJ William A. Webb on 7/27/09. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009		Oral MOTION for Detention by USA as to Daniel Patrick Boyd. (Bunn, A.) (Entered: 07/27/2009)

07/27/2009	<u>24</u>	ORDER OF TEMPORARY DETENTION as to Daniel Patrick Boyd. Detention Hearing set for 7/30/2009 10:00 AM in Raleigh – 6th Floor Courtroom before USMJ William A. Webb. Signed by USMJ William A. Webb on 7/27/09. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009		Oral MOTION to Unseal Case by USA as to Daniel Patrick Boyd, Hysen Sherifi, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009		ORAL ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re MOTION to Unseal Case filed by USA. Entered by USMJ William A. Webb on 7/27/09. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009	<u>33</u>	Redacted Indictment as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009	<u>34</u>	NOTICE of intent to use foreign intelligence suerveillance act information. (Bunn, A.) (Entered: 07/27/2009)
07/27/2009		ORAL ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi, (Detention Hearing set for 7/30/2009 02:00 PM in Raleigh – 6th Floor Courtroom before USMJ William A. Webb.). Entered by USMJ William A. Webb on 7/27/09. (Bunn, A.) (Entered: 07/27/2009)
07/28/2009		Set Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Detention Hearing set for 7/30/2009 01:00 PM in Raleigh – 7th Floor – Courtroom 1 before USMJ William A. Webb. (Bunn, A.) (Entered: 07/28/2009)
07/28/2009	<u>41</u>	NOTICE OF ATTORNEY APPEARANCE: Debra C. Graves appearing for Daniel Patrick Boyd. (Graves, Debra) (Entered: 07/28/2009)
07/28/2009	<u>42</u>	Request for discovery as to Daniel Patrick Boyd. (Graves, Debra) (Entered: 07/28/2009)
07/28/2009	<u>43</u>	NOTICE OF ATTORNEY APPEARANCE: Rosemary Godwin appearing for Daniel Patrick Boyd <i>as Co-Counsel.</i> (Godwin, Rosemary) (Entered: 07/28/2009)
07/28/2009	<u>44</u>	NOTICE OF ATTORNEY APPEARANCE Jason Harris Cowley appearing for USA. (<i>Co-Counsel</i>) (Cowley, Jason) (Entered: 07/28/2009)
07/28/2009		Set/Reset Hearings as to Daniel Patrick Boyd: Arraignment set for 10/5/2009 term in New Bern – Courtroom before Chief Judge Louise Wood Flanagan. (Rudd, D.) (Entered: 07/28/2009)
07/29/2009	<u>71</u>	First MOTION to Continue <i>Detention Hearing</i> by Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (Godwin, Rosemary) (Entered: 07/29/2009)
07/29/2009	<u>76</u>	Order Resetting Hearings (Detention Hearing set for 8/4/2009 09:30 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ William A. Webb.) Motions terminated as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by USMJ William A. Webb on 7/29/09. (Bunn, A.) (Entered: 07/29/2009)
07/29/2009	<u>78</u>	Arrest Warrant Returned Executed on 7/27/2009 as to Daniel Patrick Boyd. (Atkinson, J.) (Entered: 07/29/2009)
07/30/2009		Set Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Status Conference set for 8/4/2009 08:45 AM in Raleigh – Conference Room 7th Floor before USMJ William A. Webb. (Bunn, A.) (Entered: 07/30/2009)
07/31/2009	<u>89</u>	SCHEDULING ORDER as to Daniel Patrick Boyd: The attorneys are ordered to conduct a pre-trial conference on or before 8/14/2009. Arraignment set for 10/5/2009 term in New Bern – Courtroom before Chief Judge Louise Wood Flanagan. Motions due by 8/26/2009. Response to Motion due by 9/10/2009. Signed by USMJ James E. Gates on 7/31/09. (Cress, L.) (Entered: 07/31/2009)

08/03/2009	<u>91</u>	MOTION for hearing under C.I.P.A. Sec. 2 by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) (Entered: 08/03/2009)
08/03/2009	<u>92</u>	Memorandum in Support by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>91</u> MOTION for hearing under C.I.P.A. Sec. 2 (Kocher, Barbara) (Entered: 08/03/2009)
08/03/2009	<u>95</u>	ORDER upon motion of the United States (DE-88), it is hereby ordered that the Clerk unseal and publish the captioned Indictment in its entirety. Signed by USMJ William A. Webb on 8/3/09. (Callihan, J.) (Entered: 08/03/2009)
08/03/2009	<u>96</u>	ORDER granting <u>91</u> Motion for pretrial conference pursuant to Classified Information Procedures Act ("CIPA") as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8) – Pretrial conference will be scheduled at a date and time certain before the undersigned, as promptly as practicable, upon receipt and review of the magistrate judge's report as set forth in this order. Status conference scheduled for Tuesday, August 4, 2009 in Raleigh before US Magistrate Judge E. William Webb relating solely to motions for detention in this case. Pretrial conference scheduled 8/14/09. Motions deadlines 8/25/09. (Additional instructions included in this order.) Signed by Chief Judge Louise Wood Flanagan on 8/3/09. (Callihan, J.) (Entered: 08/03/2009)
08/04/2009	<u>97</u>	Minute Entry for proceedings held before USMJ William A. Webb:Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 8/4/2009 (Court Reporter FTR.) (Bunn, A.) (Entered: 08/04/2009)
08/04/2009	<u>98</u>	Minute Entry for proceedings held before USMJ William A. Webb:Detention Hearing as to Daniel Patrick Boyd, Hysen Sherifi, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 8/4/2009, (Continuation of Detention Hearing set for 8/5/2009 09:00 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ William A. Webb.) (Court Reporter Donna Tomawski.) (Bunn, A.) (Entered: 08/04/2009)
08/05/2009	<u>102</u>	Minute Entry for proceedings held before USMJ William A. Webb: Detention Hearing as to Daniel Patrick Boyd, Hysen Sherifi, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 8/5/2009 in Raleigh. Court orders that the defendants are each a risk of flight and a danger to the community and hereby remands the defendants to the custody of the US Marshal. Written order to follow from the court. (Court Reporter Donna Tomawski.) (Bunn, A.) (Entered: 08/05/2009)
08/05/2009	<u>103</u>	EXHIBIT LIST. (Bunn, A.) (Entered: 08/05/2009)
08/05/2009	<u>107</u>	MOTION for status conference by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Kocher, Barbara) (Entered: 08/05/2009)
08/05/2009		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>107</u> MOTION for status conference submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 08/05/2009)
08/06/2009	<u>108</u>	Order Setting Hearings – Status Conference set for 8/27/2009 01:00 PM in Raleigh – 7th Floor – Courtroom 2 before Chief Judge Louise Wood Flanagan. Signed by Chief Judge Louise Wood Flanagan on 8/6/2009. Copies served electronically. (Rudd, D.) (Entered: 08/06/2009)
08/10/2009	<u>111</u>	OFFICIAL TRANSCRIPT of Detention Hearing Proceedings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on August 4–5, 2009, before Judge Webb. Court Reporter/Transcriber Donna J. Tomawski, Telephone number (919) 645-1700. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's <u>website</u> . Redaction Request due 8/31/2009. Redacted Transcript Deadline set for 9/10/2009. Release of Transcript Restriction set for 11/9/2009. (Tomawski, Donna)

		(Entered: 08/10/2009)
08/11/2009	<u>112</u>	ORDER granting Oral Motion for Detention Pending Trial as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8). Signed by USMJ William A. Webb on 8/10/09. (Bunn, A.) (Entered: 08/11/2009)
08/26/2009	<u>127</u>	SEALED EX PARTE MOTION by Defendants Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (Rudd, D.) (Entered: 08/26/2009)
08/27/2009	<u>130</u>	Minute Entry for proceedings held before Chief Judge Louise Wood Flanagan in Raleigh: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 8/27/2009 – Defendants not present in court with counsel – The government presents to the court a proposed protective order for sensitive information – The parties are to submit within 10 days a modification to the protective order or a response if no agreement is reached – A Section 2 Hearing will be set for 12/17/09 – Defendant's counsel request that expert notice deadline and motions deadline be taken out of the notice – Government does not object but does request that these deadlines be put into place at some time in the future – Status Conference will be set for 2/18/10 and trial date will be discussed at that time – All defendants except for Mohammad Hassan consent to leaving open the arraignment and trial date at this time and to excluding the delay for speedy trial purposes – Counsel Daniel Boyce is to meet with Mohammad Hassan and is to notify the Court by Monday whether his client also consents to leaving open the arraignment/trial date and excluding the delay for speedy trial purposes – As to Defendant Ziyad Yaghi Motion [DE #113] Motion to Exclude or Redact Statement is DENIED without prejudice to renewal – Motion to Exclude Witness [DE #114] is Held in Abeyance – On the Motions for Review of Detention Orders the Government requests the normal response time of ten (10) days – The Court Grants the request – The Defendants are to file their Motions to Review Detention Order by 9/4/09 – The court invites the government to file an omnibus response, due by 9/14/09 – The Court to have an Ex Parte Hearing in New Bern on 9/4/09 at 11 :00 a.m. and in camera review with Government – Deft (Hassan) requests to make Argument at that time – Court Grants request – Court adjourns 2:10 p.m. (Court Reporter Harry Hagopian.) (Rudd, D.) (Entered: 08/28/2009)
08/27/2009	<u>131</u>	Government's Proposed Protective Order by USA. (Rudd, D.) (Entered: 08/28/2009)
08/27/2009	<u>132</u>	SCEDULING ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Production of Unclassified September 30, 2009 Discovery Concludes: 9/30/09; Declassification Process and Production of Sensitive Discovery Concludes: 12/17/09; CIPA Section 2 Hearing: 12/17/09; CIPA Section 4 Hearing: 1/14/10; Production of Classified Discovery due by 2/11/10. Status Conference set for 2/18/10. Speedy Trial times excluded. Signed by Chief Judge Louise Wood Flanagan on 8/27/2009. Copies served electronically. (Rudd, D.) (Entered: 08/28/2009)
08/27/2009		Terminate Deadlines and Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Ziyad Yaghi: See Minute Entry as to the Parties except for Mohammad Hassan leaving open the arraignment and trial date and excluding the speedy trial time. (Rudd, D.) (Entered: 08/28/2009)
08/27/2009		SEALED EX PARTE ORAL ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi GRANTING Sealed Ex Parte Motion at [DE #127]. Entered by Chief Judge Louise Wood Flanagan on 8/27/2009. (Rudd, D.) (Entered: 08/31/2009)
09/03/2009	<u>137</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Having reflected on the briefing process of or relating to decision on the four pending motions for review of detention order The court does not now seek omnibus response as previously provided; rather, the government is directed to file separate response to each such motion, within the time allowed. Signed by Chief Judge Louise Wood Flanagan on 9/3/2009. Copies served electronically. (Rudd, D.) (Entered: 09/03/2009)
09/04/2009	<u>138</u>	MOTION for Extension of Time to file jointly proposed protective order until September 25, 2009. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) (Entered:

		09/04/2009)
09/09/2009	<u>139</u>	ORDER granting <u>138</u> Motion for Extension of Time as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8). ORDERED the time for the parties to file a jointly proposed protective order be extended to September 25, 2009. Signed by Chief Judge Louise Wood Flanagan on 9/5/2009. Copies served electronically. (Rudd, D.) (Entered: 09/09/2009)
09/24/2009	<u>145</u>	SUPERSEDING INDICTMENT as to Daniel Patrick Boyd (1) counts 1s, 2s, 3s, 4s, 5s, 6s-7s, 8s, 9s, 10s, 11s, Hysen Sherifi (2) counts 1s, 2s, 4s, 8s, 11s, Anes Subasic (3) counts 1s, 2s, Zakariya Boyd (4) counts 1s, 2s, 4s, 8s, Dylan Boyd (5) counts 1s, 2s, 5s, Jude Kenan Mohammad (6) counts 1s, 2s, Mohammad Omar Aly Hassan (7) counts 1s, 2s, Ziyad Yaghi (8) counts 1s, 2s. (Cress, L.) (Entered: 09/25/2009)
09/25/2009	<u>149</u>	STATUS REPORT <i>on Efforts to Provide Proposed Order, with Proposed Orders</i> by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order) (Kocher, Barbara) (Entered: 09/25/2009)
09/28/2009	<u>150</u>	NOTICE TO COUNSEL REGARDING WAIVER FOR INITIAL APPEARANCE ON SUPERSEDING INDICTMENT. If a waiver for defendant Daniel Boyd is not filed within 10 days, an initial appearance will be scheduled – Waiver of Initial Appearance on Superseding Indictment due by 10/13/09. Waiver is attached. (Rudd, D.) (Entered: 09/28/2009)
10/07/2009	<u>161</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 10/6/2009. Copies served electronically. (Rudd, D.) (Entered: 10/07/2009)
10/20/2009	<u>168</u>	NOTICE <i>of filing memorandum in Support of Protective Order</i> – re: <u>161</u> Order. (Kocher, Barbara) (Entered: 10/20/2009)
11/03/2009	<u>170</u>	NOTICE <i>of Defendant's Joint Memorandum in Support of a Fair Protective Order.</i> (Godwin, Rosemary) (Entered: 11/03/2009)
11/05/2009	<u>171</u>	SEALED EX PARTE MOTION by USA as to Defendants Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (Rudd, D.) (Entered: 11/05/2009)
11/05/2009	<u>172</u>	SEALED EX PARTE ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 11/5/2009. Copies served. (Rudd, D.) (Entered: 11/05/2009)
11/19/2009	<u>174</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – this case comes before the court of the parties' proposed protective orders. The parties have seven days from date of entry of this order to show cause why the court should not enter the proposed protective order in the form shown in appendix "A". Signed by Chief Judge Louise Wood Flanagan on 11/18/2009. Copies served electronically. (Rudd, D.) (Entered: 11/19/2009)
11/19/2009	<u>175</u>	NOTICE (<i>Order No. 174</i>) (McCullough, John) (Entered: 11/19/2009)
11/20/2009	<u>180</u>	NOTICE OF HEARING as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: CIPA Section 2 Hearing set for 12/17/2009 10:30 AM in Raleigh – 7th Floor – Courtroom 2 before Chief Judge Louise Wood Flanagan. (Rudd, D.) (Entered: 11/20/2009)
11/24/2009	<u>181</u>	DEFENDANT'S JOINT REQUEST <i>to Add Provision to Protective Order</i> by Daniel Patrick Boyd as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Graves, Debra) (Entered: 11/24/2009)
11/25/2009	<u>182</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi – re: <u>181</u> Request filed by Daniel Patrick Boyd. Signed by Chief Judge Louise Wood Flanagan on 11/25/09. (Baker, C.) (Entered: 11/25/2009)

12/01/2009	<u>183</u>	NOTICE of filing response – re: <u>182</u> Order, <u>174</u> Order, (Attachments: # <u>1</u> Exhibit proposed Memorandum Of Understanding) (Kocher, Barbara) (Entered: 12/01/2009)
12/09/2009	<u>186</u>	MOTION for Extension of Time for disclosure of declassified information until January 14, 2010. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) (Entered: 12/09/2009)
12/09/2009		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>186</u> MOTION for Extension of Time for disclosure of declassified information until January 14, 2010 & Notice of Substitution [DE #184] forwarded to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 12/09/2009)
12/10/2009	<u>187</u>	ORDER granting <u>186</u> Motion for Extension of Time as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8). Signed by Chief Judge Louise Wood Flanagan on 12/10/2009. Copies served electronically. (Rudd, D.) (Entered: 12/10/2009)
12/10/2009	<u>188</u>	PROTECTIVE ORDER FOR SENSITIVE MATERIALS as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 12/10/2009. Copies served electronically. (Rudd, D.) (Entered: 12/10/2009)
12/10/2009	<u>189</u>	SEALED EX PARTE ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 12/10/2009. Copies served on defendant's counsel by email. No other copies served. (Rudd, D.) (Entered: 12/10/2009)
12/11/2009	<u>190</u>	MOTION for clarification as to which parties need be present for hearing re <u>180</u> Notice of Hearing, by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Kocher, Barbara) (Entered: 12/11/2009)
12/11/2009	<u>191</u>	ORDER deferring ruling on <u>190</u> Motion for miscellaneous relief as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8). The court declines to speculate now on ordering of the hearing but shall hear the parties further on this December 17, 2009. Signed by Chief Judge Louise Wood Flanagan on 12/11/2009. (MC) (Entered: 12/11/2009)
12/17/2009	<u>197</u>	Minute Entry for proceedings held before Chief Judge Louise Wood Flanagan in Raleigh: Pretrial Conference – CIPA Section 2 Hearing as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 12/17/2009 – Defendant's present with counsel – Interpreter present for Anes Subasic: Walter Stiglic (Affirmed) – Introduction of counsel & defendants – Introduction of government's counsel – Scheduling issues discussed – Initial Appearance on Superseding Indictment – Defendant's advised of their rights – Charges & Punishment – Trial date discussed – The first draft of protective order for classified information due 1/2/10 – Court acceptance of Court Security Officer to serve over case – Defendant Anes Subasic request new counsel in open court – The Court informs defendant & counsel that the appropriate motion needs to be filed – The Clerk is to provide the defendant with the Clerk's office address – Defendant's remanded to custody – The court goes forward with Sealed Ex Parte Matters (Court Reporter Harry Hagopian.) (Rudd, D.) (Entered: 12/18/2009)
12/18/2009	<u>199</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: The undersigned shall hold a conference with counsel regarding discovery procedures on Friday, January 8, 2010, at 2:30 p.m. in the 6th Floor Courtroom of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. The following counsel shall attend: R. Daniel Boyce, as representative of the Panel attorneys of record in the case; either of the Assistant Public Defenders of record in the case; and either of the Assistant United States Attorneys of record in the case. Other counsel of record may attend. Signed by USMJ James E. Gates on 12/18/2009. Copies served electronically. (Rudd, D.) (Entered: 12/18/2009)

12/22/2009	<u>200</u>	NOTICE of <i>Termination of Appearance</i> . (Cowley, Jason) (Entered: 12/22/2009)
12/23/2009	<u>201</u>	Order – The court sets trial to begin Monday, September 20, 2010. Said special trial setting shall aid counsel now in conforming their schedules where trial reasonably may extend through October 29, 2010. Proposed voir dire and jury instructions shall be filed on or before September 7, 2010. Pre-trial conference may be undertaken as necessary Friday, September 10, 2010. Signed by Chief Judge Louise Wood Flanagan on 12/23/09. Copies served electronically. (Baker, C.) (Entered: 12/23/2009)
12/23/2009	<u>202</u>	ORDER amending <u>188</u> Protective Order – Signed by Chief Judge Louise Wood Flanagan on 12/23/09. Copies served electronically. (Baker, C.) (Entered: 12/23/2009)
12/28/2009	208	NOTICE of Filing Transcript with the Clerk's Office from Ex Parte hearing held on 12/17/09. (Rudd, D.) (Entered: 01/12/2010)
12/31/2009	<u>204</u>	MOTION for Protective Order for <i>classified materials</i> by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Appendix proposed MOU) (Kocher, Barbara) (Entered: 12/31/2009)
01/04/2010		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>204</u> MOTION for Protective Order submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 01/04/2010)
01/04/2010	<u>205</u>	NOTICE of <i>filing ex parte motion, in camera and under seal with CSO</i> . (Kocher, Barbara) (Entered: 01/04/2010)
01/08/2010	<u>206</u>	Minute Entry for proceedings held before USMJ James E. Gates:Discovery Hearing as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 1/8/2010. Present at Hearing: Barbara Kocher, Counsel for government – Debra Graves, Rosemary Godwin and Daniel Boyce, Counsel for Defendants; – Matters regarding Discovery discussed at Hearing – The Court enters an Oral Order – The Parties are to meet within the next 14 days regarding a set of transcript recordings produced in discovery and technology issues – the parties are to submit a report to the court within seven (7) days after their conference. Modified on 1/8/2010 (Rudd, D.). (Entered: 01/08/2010)
01/08/2010		ORAL ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – The Court enters an Oral Order – The Parties are to meet within the next 14 days regarding a set of transcript recordings produced in discovery and technology issues – the parties are to submit a report to the court within seven (7) days after conference. Entered by USMJ James E. Gates on 1/8/2010. (Rudd, D.) (Entered: 01/08/2010)
01/08/2010	207	Minute Entry – Court initiated conference by telephone held on 1/8/2010 with Jason M. Kellhofer, counsel for the government, concerning ex parte motion, filed in camera and under seal on 1-04-2010 (DE # 205). (Rudd, D.) (Entered: 01/12/2010)
01/13/2010	209	NOTICE: The Court filed an ex parte classified Order requesting supplementation and noticing certain matters in response to the Government's ex parte motion (DE # 205), which was provided to the Court Security Officer on this date. Signed by Chief Judge Louise W. Flanagan. Copies served electronically. (Rudd, D.) (Entered: 01/13/2010)
01/13/2010	<u>210</u>	NOTICE of <i>classified in camera, ex parte, under seal filing with the CSO</i> . (Kocher, Barbara) (Entered: 01/13/2010)
01/13/2010	<u>231</u>	EX PARTE (Redacted DE 209) ORDER requesting supplementation and noticing certain matters in response to the Government's ex parte motion (DE # 205). Signed by Chief Judge Louise Wood Flanagan on 1/13/2010. Copies served on government only. (Rudd, D.). (Entered: 02/09/2010)
01/15/2010	<u>215</u>	Order – Status conference previously set for February 18, 2010, before the undersigned is discontinued. Status Conference reset for 3/12/2010 at 10:00 AM in Raleigh – 5th Floor Courtroom before U.S. Magistrate Judge James E. Gates. Signed by Chief Judge Louise Wood Flanagan on 01/15/2010. Copies served electronically. (Baker, C.) (Entered: 01/15/2010)

01/20/2010	<u>217</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – The court having scheduled a status conference in this case for 3/12/10 – IT IS HEREBY ORDERED: Only counsel of record are required to attend – Counsel is to develop a joint agenda – Submit the joint agenda by 3/10/10. Signed by USMJ James E. Gates on 1/20/2010. Copies served electronically. (Rudd, D.) (Entered: 01/20/2010)
01/27/2010	<u>219</u>	NOTICE of filing classified, ex parte, under seal motion to strike and substitute. (Kocher, Barbara) (Entered: 01/27/2010)
01/27/2010	<u>220</u>	NOTICE of filing classified, ex parte, under seal supplement with court security officer designee. (Kocher, Barbara) (Entered: 01/27/2010)
01/28/2010	<u>221</u>	NOTICE: The Court filed an ex parte classified Order granting the Government's Motion to Strike and Substitute [DE #219], which was provided to the Court Security Officer on this date. Signed by Chief Judge Louise W. Flanagan. Copies served electronically. (Rudd, D.) (Entered: 01/28/2010)
01/28/2010	<u>223</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. This matter comes before the court on its own initiative. The sensitive discovery remaining to be produced shall be produced by 2/12/10. Signed by Chief Judge Louise Wood Flanagan on 1/28/2010. Copies served electronically. (Rudd, D.) (Entered: 01/28/2010)
01/29/2010	<u>226</u>	ORDER as to <u>204</u> MOTION for Protective Order filed by USA – The government shall tender a revised proposed protective order to the court not later than February 8, 2010. Signed by Chief Judge Louise Wood Flanagan on 01/28/2010. Copies served electronically. (Baker, C.) (Entered: 01/29/2010)
01/29/2010	<u>227</u>	MOTION for Extension of Time for Discovery until February 12, 2010. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) (Entered: 01/29/2010)
01/29/2010	<u>228</u>	NOTICE of filing joint status report – re: <u>206</u> Discovery Hearing. (Kocher, Barbara) (Entered: 01/29/2010)
01/30/2010	<u>229</u>	NOTICE of filing amended proposed protective order – re: <u>226</u> Order. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) (Entered: 01/30/2010)
02/01/2010		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>227</u> MOTION for Extension of Time for Discovery until February 12, 2010 submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 02/01/2010)
02/02/2010	<u>230</u>	ORDER granting <u>227</u> Motion for Extension of Time. It is hereby ORDERED the time for the United States to provide final unclassified discovery material be extended to February 12, 2010. Signed by Chief Judge Louise Wood Flanagan on 02/02/2010. Copies served electronically. (Baker, C.) (Entered: 02/02/2010)
02/11/2010	<u>233</u>	Order Setting Hearings – Discovery conference set for 2/19/2010 01:30 PM in Raleigh – 5th Floor Courtroom before USMJ James E. Gates. The following counsel shall attend: R. Daniel Boyce, as representative of the Panel attorneys of record in the case; either of the Assistant Public Defenders of record in the case; and either of the Assistant United States Attorneys of record in the case. Other counsel of record may attend. Signed by USMJ James E. Gates on 2/10/2010. Copies served electronically. (Rudd, D.) (Entered: 02/11/2010)
02/18/2010	<u>236</u>	NOTICE: The court has entered, ex parte and under seal, a classified order addressing the government's motion (DE # 205), which was provided to the government on this date. Signed by Chief Judge Louise W. Flanagan. Copies served electronically. (Rudd, D.). (Entered: 02/18/2010)
02/18/2010	<u>237</u>	PROTECTIVE ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 2/18/2010. Copies served electronically. (Rudd, D.) (Entered: 02/18/2010)
02/19/2010	<u>240</u>	Minute Entry for proceedings held before USMJ James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 2/19/2010.

		Present: USA– Barb Kocher; Defendant's– Debra Graves, Daniel Boyce, Rosemary Godwin; The position as to the joint preparation of transcripts discussed at conference. Court directs the parties to meet prior to the March 12 status conference. A written order will follow. The court goes forward with Sealed Ex Parte Matters. (Court Reporter FTR.) (Powers, S.) Modified on 2/19/2010 (Rudd, D.). Modified on 3/3/2010 to indicate that the recording of the hearing is temporarily sealed. (Rudd, D.). (Entered: 02/19/2010)
02/19/2010	241	NOTICE: The court has entered, ex parte and under seal, a classified order amending its prior order entered at DE 236, to be provided to the Court Security Officer on February 22, 2010. Copies served electronically. (Rudd, D.) (Entered: 02/19/2010)
02/19/2010		Terminate Deadlines and Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Discovery Hearing (Status Conference) held on 2/19/10 before Judge Gates in Raleigh. (Rudd, D.) (Entered: 02/22/2010)
02/25/2010	<u>242</u>	NOTICE <i>of classified filing.</i> (Kocher, Barbara) (Entered: 02/25/2010)
02/26/2010	<u>243</u>	NOTICE <i>of classified, ex parte, in camera filing.</i> (Kocher, Barbara) (Entered: 02/26/2010)
02/26/2010	244	NOTICE – The court has entered, ex parte and under seal, a classified order addressing the government's filing (DE # 242), which was provided to the government on this date. (Baker, C.) (Entered: 02/26/2010)
03/01/2010	<u>246</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. This case came before the court for a discovery conference on 2/19/10 to address pending discovery issues. This order memorializes rulings made and other decisions reached at the conference. Signed by USMJ James E. Gates on 2/26/2010. Copies served electronically. (Rudd, D.) (Entered: 03/01/2010)
03/01/2010	<u>247</u>	NOTICE <i>of classified, ex parte, in camera filing.</i> (Kocher, Barbara) (Entered: 03/01/2010)
03/01/2010	<u>248</u>	PROPOSED SEALED MOTION by Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi (Attachments: # 1 Text of Proposed Order) (Boyce, R.) (Entered: 03/01/2010)
03/01/2010		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>248</u> PROPOSED SEALED MOTION by Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 03/01/2010)
03/08/2010	253	NOTICE: The court has entered, ex parte and under seal, a classified order addressing the government's filings at DE 243 and DE 247, to be provided to the Court Security Officer on March 9, 2010. (Rudd, D.) (Entered: 03/09/2010)
03/11/2010	<u>257</u>	NOTICE <i>of classified, ex parte, in camera filing.</i> (Kocher, Barbara) (Entered: 03/11/2010)
03/12/2010	258	NOTICE: The court has entered, ex parte and under seal, a classified order addressing the government's filing at DE 257, to be provided to the Court Security Officer on March 15, 2010. (Baker, C.) (Entered: 03/12/2010)
03/12/2010	<u>259</u>	Minute Entry for proceedings held before USMJ James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 3/12/2010 at 10:00 a.m. in the 5th Floor Courtroom, Raleigh, NC. Counsel–present: Government– Barb Kocher, Jason Cowley, Jason Kellhofer; Defendants– Debra Graves, Rosemary Godwin, Robert McAfee, John Keating Wiles, Myron Hill, Jr., Joseph Zeszotarski, Jr, R. Daniel Boyce, Douglas McCullough. Written Order to follow. Next status conference date is set for April 16, 2010 at 10:00 in Raleigh, NC. If parties have a conflict they are instructed to inform Judge Gates' chambers as soon as possible. Court goes forward with sealed discussions and ex parte matters. (Court Reporter FTR.) (Powers, S.) (Entered: 03/12/2010)

03/17/2010	<u>260</u>	CASE MANAGEMENT ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi, Order Setting Hearings – Status Conference set for 4/16/2010 10:00 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ James E. Gates. Signed by USMJ James E. Gates on 3/16/2010. Copies served electronically. Copy to US Marshal. (Rudd, D.) (Entered: 03/17/2010)
03/17/2010	<u>262</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 3/16/2010. Copies served electronically. (Rudd, D.) (Entered: 03/17/2010)
03/17/2010		Set/Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Arraignment set for 9/10/2010 Time & Place To Be Determined before Chief Judge Louise Wood Flanagan. (Rudd, D.) (Entered: 04/20/2010)
03/18/2010	<u>265</u>	NOTICE of <i>classified, ex parte filing with court security officer or designee.</i> (Kocher, Barbara) (Entered: 03/18/2010)
03/19/2010	267	NOTICE: The court has entered, ex parte and under seal, a classified order addressing in part the government's filing at DE 265, to be provided to the Court Security Officer on March 22, 2010. (Rudd, D.) (Entered: 03/19/2010)
03/22/2010	<u>268</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. This case comes before the court sua sponte in response to representations at the 3/12/10 discovery conference that their preparation may require the taking of depositions in a foreign country. The parties shall update the court at the 4/16/10 pretrial conference in identifying any foreign depositions. Signed by USMJ James E. Gates on 3/19/2010. Copies served electronically. (Rudd, D.) (Entered: 03/22/2010)
03/25/2010	<u>273</u>	MOTION Clarification of Order of <i>March 16, 2010</i> by Daniel Patrick Boyd. (Graves, Debra) (Entered: 03/25/2010)
03/26/2010		MOTIONS as to Daniel Patrick Boyd REFERRED to Magistrate Judge: <u>273</u> MOTION Clarification of Order of <i>March 16, 2010</i> Motions referred to James E. Gates. (Rudd, D.) (Entered: 03/26/2010)
03/26/2010	<u>276</u>	Minute Entry for proceedings held before USMJ James E. Gates: Motion Hearing held on 3/26/2010 – re: <u>273</u> MOTION Clarification of Order of <i>March 16, 2010</i> filed by Daniel Patrick Boyd. Present: Barb Kocher represent the USA; Debra Graves and Thomas McNamara representing the defendant. Taken Under Advisement, Written Order to Follow. (Court Reporter FTR.) (Powers, S.) (Entered: 03/26/2010)
04/01/2010	<u>281</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – in reference to [DE #277] and [DE #279]. Any responses to these motions shall be filed no later than 4/12/10. These motions shall be heard at the status conference scheduled for 4/16/10 at 10:00 a.m. Signed by USMJ James E. Gates on 3/31/2010. Copies served electronically. (Rudd, D.) (Entered: 04/01/2010)
04/01/2010	<u>282</u>	NOTICE OF ATTORNEY APPEARANCE Jason M Kellhofer appearing for USA. (Kellhofer, Jason) (Entered: 04/01/2010)
04/02/2010	<u>285</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – This matter comes before the court on its own initiative. The court now amends its prior order by setting trial to begin Monday, September 27, 2010. Proposed voir dire and jury instructions shall be filed on or before September 14, 2010. Absent further order from the court, except as herein amended, the case schedule as previously set forth remains in force and effect. Signed by Chief Judge Louise Wood Flanagan on 4/1/2010. Copies served electronically. (Rudd, D.) (Entered: 04/02/2010)
04/02/2010		Set/Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Jury Selection set for 9/27/2010 Place Be Determined before Chief Judge Louise Wood Flanagan. Jury Trial set for 9/27/2010 Place To Be Determined before Chief Judge Louise Wood Flanagan. (Rudd, D.) (Entered: 04/02/2010)

04/02/2010	<u>286</u>	Minute Entry for proceedings held before USMJ James E. Gates: Telephone Conference held on 1 April 2010. Barbara Kocher for government; Debra Graves and Thomas McNamara for defendants; Melynda Broomfield, law clerk. Court conferred with counsel concerning transcript preparation process. Written order to follow. (CHAM, MB) (Entered: 04/02/2010)
04/02/2010	<u>287</u>	ORDER as to Daniel Patrick Boyd – Re: Transcription matters. Signed by USMJ James E. Gates on 4/2/2010. Copies served electronically. (Rudd, D.) (Entered: 04/02/2010)
04/05/2010	<u>288</u>	NOTICE OF ATTORNEY APPEARANCE Jason Harris Cowley appearing for USA. (Cowley, Jason) (Entered: 04/05/2010)
04/06/2010	<u>289</u>	NOTICE: The Court has entered, ex parte and under seal, a classified order addressing the government's filing at (DE # 265), to be provided to the Court Security Officer on April 7, 2010. (Rudd, D.) (Entered: 04/07/2010)
04/07/2010	<u>291</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – Re: provisions and procedures for status conference set for 4/16/10. Signed by USMJ James E. Gates on 4/7/2010. Copies served electronically. (Rudd, D.) (Entered: 04/07/2010)
04/12/2010	<u>295</u>	NOTICE <i>classified ex parte filing.</i> (Kocher, Barbara) (Entered: 04/12/2010)
04/12/2010	<u>296</u>	NOTICE <i>of classified ex parte filing.</i> (Kocher, Barbara) (Entered: 04/12/2010)
04/12/2010	<u>297</u>	NOTICE <i>of classified filing.</i> (Kocher, Barbara) (Entered: 04/12/2010)
04/13/2010	<u>298</u>	NOTICE <i>of proposed agenda.</i> (Kocher, Barbara) (Entered: 04/13/2010)
04/16/2010	<u>303</u>	Minute Entry for proceedings held before USMJ James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 4/16/2010. Present for USA: Barbara Kocher, Jason Kellhofer, Jason Cowley. Defendant's present with counsel: Debra Graves, Rosemary Godwin for Daniel Boyd, Robert McAfee for Sherifi, John Keating Wiles for Subasic, Myron Hill, Jr For Zakariya Boyd, Joseph Zeszotarski, Jr. for Dylan Boyd, R. Daniel Boyce for Hassan, J. Douglas McCullough for Yaghi. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters. (Court Reporter Donna Tomawski.) (Powers, S.) (Entered: 04/16/2010)
04/20/2010	<u>306</u>	NOTICE OF ATTORNEY APPEARANCE John Bowler appearing for USA. (Bowler, John) (Entered: 04/20/2010)
04/20/2010		Minute Entry for proceedings held before USMJ James E. Gates: Telephone Conference held on 20 April 2010. Barbara Kocher for government; Debra Graves, Rosemary Godwin, and Thomas McNamara for defendants. Court conferred with counsel concerning transcript preparation process. (CMF) (Entered: 04/23/2010)
04/27/2010	<u>315</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi; Re: This order memorializes rulings made at and other decisions reached at the discovery conference held on 4/16/10. The next status conference shall be held on 5/24/10 at 10:00 a.m. in Courtroom #2 on the Seventh Floor of the Terry Sanford Federal Building and Courthouse, Raleigh, North Carolina. Signed by USMJ James E. Gates on 4/26/2010. Copies served electronically. (Rudd, D.) (Entered: 04/27/2010)
04/27/2010		Set/Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Status Conference set for 5/24/2010 10:00 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ James E. Gates. (Rudd, D.) (Entered: 04/27/2010)
04/27/2010		Minute Entry for proceedings held before USMJ James E. Gates: Ex Parte Telephone Conference held on 27 April 2010 with Robert J. McAfee, defense counsel liaison for computer discovery issues. Court conferred with counsel concerning review of computer hard drives. (CMF) (Entered: 04/27/2010)
04/29/2010	<u>323</u>	NOTICE <i>of ex parte, under seal, classified filing</i> (Kocher, Barbara) (Entered: 04/29/2010)

04/30/2010	<u>324</u>	NOTICE: The Court has entered, ex parte and under seal, a classified order addressing the government's filing at Docket Entry 295, to be provided to the Court Security Officer or designee on May 3, 2010. (Rudd, D.) (Entered: 04/30/2010)
04/30/2010	<u>325</u>	NOTICE RE: EXPERTS. (Bowler, John) (Entered: 04/30/2010)
05/11/2010	<u>334</u>	SEALED ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by USMJ James E. Gates on 5/10/2010. Copies served on counsel. (Rudd, D.) (Entered: 05/11/2010)
05/13/2010	<u>337</u>	ORDER in reference: [DE #279] as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – this order is in reference to compel and for other relief that relate to unclassified matters. Signed by USMJ James E. Gates on 5/13/2010. Copies served electronically. (Rudd, D.) (Entered: 05/13/2010)
05/14/2010	<u>338</u>	NOTICE: The Court has entered an under seal classified order to be provided to the parties by the Court Security Officer or designee on May 14, 2010. (Powers, S.) (Entered: 05/14/2010)
05/14/2010		Minute Entry for proceedings held before USMJ James E. Gates: Telephone Conference held on 14 May 2010. Barbara Kocher and John Bowler for government; Debra Graves and Rosemary Godwin for defendants. Court conferred with counsel concerning transcript preparation process. (CMF) (Entered: 05/17/2010)
05/17/2010	<u>339</u>	NOTICE: The court has entered, ex parte and under seal, a classified order to be provided to the Court Security Officer or designee on May 18, 2010. (Rudd, D.) (Entered: 05/17/2010)
05/17/2010	<u>340</u>	NOTICE: The court has entered an under seal classified order requiring supplemental briefing as to defense counsel's motion at DE 279, to be provided to the Court Security Officer or designee on May 18, 2010. (Rudd, D.) (Entered: 05/17/2010)
05/17/2010		Minute Entry for proceedings held before USMJ James E. Gates: Telephone Conference held on 17 May 2010. Barbara Kocher and John Bowler for government; Debra Graves, Tom McNamara, Elizabeth Luck for defendants. Court conferred with counsel concerning transcript preparation process. (CMF) (Entered: 05/18/2010)
05/17/2010	<u>624</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi (Redacted DE 340). Signed by Chief Judge Louise Wood Flanagan on 5/17/2010. Copies served electronically. (Rudd, D.) (Entered: 10/26/2010)
05/18/2010	<u>346</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi; Re: Transcription matters – Counsel should review the order in its entirety for critical deadlines and information. Signed by USMJ James E. Gates on 5/18/2010. Copies served electronically. (Rudd, D.) (Entered: 05/18/2010)
05/21/2010	<u>356</u>	PRETRIAL MEMORANDUM <i>in Response to Court's Order Filed May 18, 2010</i> by Daniel Patrick Boyd (Attachments: # <u>1</u> Exhibit A – Discovery Log, # <u>2</u> Exhibit B – Spreadsheet) (Graves, Debra) (Entered: 05/21/2010)
05/21/2010	<u>357</u>	PRETRIAL MEMORANDUM <i>by USA in Supplement to OFPD Filing</i> by Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi (Bowler, John) (Entered: 05/21/2010)
05/21/2010	<u>358</u>	MOTION for Extension of Time for Designation of Foreign Witnesses. (Attachments: # <u>1</u> Text of Proposed Order) (Graves, Debra) (Entered: 05/21/2010)
05/21/2010	<u>359</u>	STATUS REPORT <i>/Joint Agenda for May 24, 2010 hearing</i> by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi (Kocher, Barbara) (Entered: 05/21/2010)
05/24/2010	<u>361</u>	Minute Entry for proceedings held before USMJ James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 5/24/2010. Present – USA: Barb Kocher, Jason Kellhofer, John Bowler; DFT: Debra Graves,

		Rosemary Godwin, Thomas McNamara, Robert McAfee, John Wiles, Myron Hill, Jr., Joseph Zesztarski, Daniel Boyce, Douglas McCullough. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters. (Court Reporter Donna Tomawski.) (Powers, S.) (Entered: 05/24/2010)
05/24/2010	<u>362</u>	NOTICE. Signed by Judge Louise W. Flanagan on 5/20/2010. Copies served electronically. (Rudd, D.) (Entered: 05/24/2010)
05/25/2010	<u>366</u>	ORDER setting deadlines re: 360 MOTION to Continue <i>Arraignment and Trial</i> filed by Hysen Sherifi. Signed by USMJ James E. Gates on 5/25/10. (Cress, L.) (Entered: 05/25/2010)
05/25/2010	<u>367</u>	MOTION to Continue <i>Arraignment and Trial</i> by Daniel Patrick Boyd. (Attachments: # <u>1</u> Exhibit A – Discovery Log, # <u>2</u> Exhibit B – Timeline, # <u>3</u> Text of Proposed Order) (Graves, Debra) (Entered: 05/25/2010)
05/26/2010	<u>368</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re 360 MOTION to Continue <i>Arraignment and Trial</i> filed by Hysen Sherifi, 367 MOTION to Continue <i>Arraignment and Trial</i> filed by Daniel Patrick Boyd. Signed by USMJ James E. Gates on 5/26/2010. Copies served electronically. (Rudd, D.) (Entered: 05/26/2010)
05/26/2010	<u>369</u>	NOTICE (<i>Amended</i>) of Classified Filing re 365 Notice (Other) (McAfee, Robert) (Entered: 05/26/2010)
05/28/2010	<u>372</u>	NOTICE of filing (Kocher, Barbara) (Entered: 05/28/2010)
05/28/2010	<u>374</u>	RESPONSE in Support by Daniel Patrick Boyd re 367 MOTION to Continue <i>Arraignment and Trial</i> (Attachments: # <u>1</u> Exhibit B – Corrected Timeline) (Graves, Debra) (Entered: 05/28/2010)
05/28/2010	<u>376</u>	MOTION to Withdraw Document by Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order To Withdraw ExParte Motion to Seal) (Graves, Debra) (Entered: 05/28/2010)
05/28/2010	<u>378</u>	MOTION for Extension of Time for Notice of Experts. (Attachments: # <u>1</u> Text of Proposed Order) (Graves, Debra) (Entered: 05/28/2010)
05/28/2010	<u>379</u>	MOTION for Extension of Time for Motions Related to Classified Discovery. (Attachments: # <u>1</u> Text of Proposed Order) (Graves, Debra) (Entered: 05/28/2010)
05/28/2010	<u>381</u>	ORDER granting in part 358 Motion for Extension of Time to file designations of witnesses for foreign depositions as to Daniel Patrick Boyd (1); granting 371 Motion for Extension of Time to File as to Anes Subasic (3); granting in part 349 Motion for Extension of Time to file designations of witnesses for foreign depositions as to Ziyad Yaghi (8) 357 Governments Motion for Extension of Time to designate Remaining portions of Audion Recordings; Denying [DE #356] Motion to be Relieved as Defendant Transcription Liaison. The next Status Conference shall be held on Wednesday, 6/30/2010 at 10:00 a.m. in Courtroom #2, of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. Signed by USMJ James E. Gates on 5/28/2010. Copies served electronically. (Rudd, D.) (Entered: 05/28/2010)
05/28/2010		Set/Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Status Conference set for 6/30/2010 10:00 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ James E. Gates. (Rudd, D.) (Entered: 05/28/2010)
06/01/2010	<u>386</u>	RESPONSE to Motion by Anes Subasic as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re 360 MOTION to Continue <i>Arraignment and Trial</i> , 367 MOTION to Continue <i>Arraignment and Trial</i> (Wiles, John) (Entered: 06/01/2010)
06/01/2010	<u>399</u>	RESPONSE to Motion by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re 373 MOTION to Continue <i>Arraignment and Trial</i> ; and Adoption of Motion to Continue <i>Arraignment and Trial</i> of Daniel Patrick Boyd (doc 367) MOTION to Continue <i>Arraignment and Trial</i> ; and Adoption of Motion to Continue <i>Arraignment and Trial</i> of Daniel Patrick Boyd (doc 367), 360 MOTION to Continue <i>Arraignment and Trial</i> of Daniel Patrick Boyd (doc 367) (Entered: 06/01/2010)

		<i>Trial, 387 MOTION to Continue Trial and Incorporated Memorandum of Law, 382 MOTION to Continue Arraignment and Trial, 367 MOTION to Continue Arraignment and Trial Response to Motions to Continue (Bowler, John) (Entered: 06/01/2010)</i>
06/01/2010	<u>401</u>	RESPONSE to Motion by Mohammad Omar Aly Hassan as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re 373 MOTION to Continue <i>Arraignment and Trial; and Adoption of Motion to Continue Arraignment and Trial of Daniel Patrick Boyd (doc 367)</i> MOTION to Continue <i>Arraignment and Trial; and Adoption of Motion to Continue Arraignment and Trial of Daniel Patrick Boyd (doc 367)</i> , 360 MOTION to Continue <i>Arraignment and Trial, 387 MOTION to Continue Trial and Incorporated Memorandum of Law, 382 MOTION to Continue Arraignment and Trial, 367 MOTION to Continue Arraignment and Trial (Attachments: # 1 Exhibit A – Portions of Detention Hearing Transcript) (Boyce, R.)</i> (Entered: 06/01/2010)
06/02/2010	<u>404</u>	NOTICE of filing (Bowler, John) (Entered: 06/02/2010)
06/03/2010	<u>405</u>	REPLY TO RESPONSE to Motion by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re 373 MOTION to Continue <i>Arraignment and Trial; and Adoption of Motion to Continue Arraignment and Trial of Daniel Patrick Boyd (doc 367)</i> MOTION to Continue <i>Arraignment and Trial; and Adoption of Motion to Continue Arraignment and Trial of Daniel Patrick Boyd (doc 367)</i> , 360 MOTION to Continue <i>Arraignment and Trial, 387 MOTION to Continue Trial and Incorporated Memorandum of Law, 382 MOTION to Continue Arraignment and Trial, 367 MOTION to Continue Arraignment and Trial and DE 401</i> (Bowler, John) (Entered: 06/03/2010)
06/03/2010	<u>406</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>404</u> Notice (Other). The governments request is ALLOWED. Defendant Sherifi shall have seven days from service of the response to file any reply. Signed by Chief Judge Louise Wood Flanagan on 6/3/2010. Copies served electronically. (Rudd, D.) (Entered: 06/03/2010)
06/07/2010	<u>407</u>	NOTICE of filing a classified response (Kocher, Barbara) (Entered: 06/07/2010)
06/09/2010	<u>409</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi; Re: Defense Motions for continuance of trial – Please pay close attention to the deadlines given in the order. Signed by USMJ James E. Gates on 6/9/2010. Copies served electronically. (Rudd, D.) (Entered: 06/09/2010)
06/09/2010	<u>410</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – The government is directed to serve on defendants its proposed changes to the existing transcripts no later than 6/21/10. Signed by USMJ James E. Gates on 6/9/2010. Copies served electronically. (Rudd, D.) (Entered: 06/09/2010)
06/11/2010	<u>412</u>	ORDER granting <u>367</u> Motion to Continue as to Daniel Patrick Boyd (1); denying as moot <u>378</u> Motion for Extension of Time as to Daniel Patrick Boyd (1); denying as moot <u>379</u> Motion for Extension of Time as to Daniel Patrick Boyd (1); granting 360 Motion to Continue as to Hysen Sherifi (2); denying as moot 397 Motion for Extension of Time as to Hysen Sherifi (2); denying as moot 398 Motion for Extension of Time as to Hysen Sherifi (2); denying as moot 375 Motion for Extension of Time to File as to Anes Subasic (3); granting 373 Motion to Continue as to Zakariya Boyd (4); granting 387 Motion to Continue as to Dylan Boyd (5); denying as moot 396 Motion for Extension of Time as to Dylan Boyd (5); denying as moot 400 Motion for Extension of Time as to Mohammad Omar Aly Hassan (7); denying as moot 351 Motion for Extension of Time as to Ziyad Yaghi (8); granting 382 Motion to Continue as to Ziyad Yaghi (8). Arraignment is continued for 8/15/2011. Trial is continued to 9/19/2011. Proposed jury questionnaires shall be filed no later than 7/15/11. Proposed jury instruction are due by 9/5/11. Speedy trial time is excluded. Signed by Chief Judge Louise Wood Flanagan on 6/11/2010. Copies served electronically. (Rudd, D.) (Entered: 06/11/2010)
06/11/2010		Set/Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Arraignment set for 8/15/2011 in To Be Determined before Chief Judge Louise Wood Flanagan. Jury Trial set for 9/19/2011 in To Be Determined before Chief Judge Louise Wood Flanagan. (Rudd,

		D.) (Entered: 06/11/2010)
06/14/2010	<u>418</u>	NOTICE of disclosure of designations (Kocher, Barbara) (Entered: 06/14/2010)
06/14/2010	<u>419</u>	MOTION for Extension of Time for the Production Deadline as to Consensual recordings until August 23, 2010. (Attachments: # <u>1</u> Text of Proposed Order) (Bowler, John) (Entered: 06/14/2010)
06/15/2010		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>419</u> MOTION for Extension of Time for the Production Deadline as to Consensual recordings until August 23, 2010 submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 06/15/2010)
06/15/2010		MOTIONS as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi REFERRED to Magistrate Judge: <u>419</u> MOTION for Extension of Time for the Production Deadline as to Consensual recordings until August 23, 2010, <u>417</u> MOTION for Extension of Time Filing of Motions Relating to Depositions of Foreign Witness until August 14, 2010 Motions referred to James E. Gates. (Rudd, D.) (Entered: 06/15/2010)
06/18/2010	<u>429</u>	PRETRIAL MEMORANDUM <i>in Response to DE #409</i> by Daniel Patrick Boyd (Graves, Debra) (Entered: 06/18/2010)
06/18/2010	<u>434</u>	ORDER GRANTING IN PART <u>419</u> Government's Motion for Extension of Time for the production deadline as to consensual recordings. Signed by USMJ James E. Gates on 6/18/10. (Cress, L.) (Entered: 06/18/2010)
06/25/2010	<u>446</u>	NOTICE of filing jointly proposed scheduling order and conference agenda (Kocher, Barbara) (Entered: 06/25/2010)
06/29/2010	<u>449</u>	ORDER granting <u>447</u> Motion for Extension of Time to File Response/Reply as to Ziyad Yaghi (8). The government shall file its response to the proposed sealed motion by defendant Ziyad Yaghi at D.E. 388. by 2 July 2010. Signed by USMJ James E. Gates on 06/29/2010. Copies served electronically. (Baker, C.) (Entered: 06/29/2010)
06/30/2010	<u>450</u>	Minute Entry for proceedings held before USMJ James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 6/30/2010. Present - USA: Barb Kocher, Jason Kellhofer, John Bowler; Defendant: Debra Graves, Rosemary Godwin, Thomas McNamara, Robert McAfee, Myron Hill, Jr., Joseph Zesztarski, Daniel Boyce, Douglas McCullough. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters. (Court Reporter Harry Hagopian) (Powers, S.) (Entered: 06/30/2010)
07/01/2010	<u>451</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi re: Memorandum of Understanding with attachment. Signed by Chief Judge Louise Wood Flanagan on 6/30/2010. Copies served electronically. (Rudd, D.) (Entered: 07/01/2010)
07/12/2010	<u>469</u>	First MOTION for Extension of Time Time to File Memorandum of Understanding Regarding Classified Materials until July 15, 2010 by Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (Graves, Debra) (Entered: 07/12/2010)
07/14/2010	<u>472</u>	ORDER granting <u>469</u> Motion for Extension of Time to File Memorandum of Understanding Regarding Classified Materials as to Daniel Patrick Boyd (1). Signed by Chief Judge Louise Wood Flanagan on 7/14/10. (Cress, L.) (Entered: 07/14/2010)
07/14/2010	<u>477</u>	Sealed Document re: <u>451</u> Order - Memoranda of Understanding by Federal Public Defender's office. (Attachments: # <u>1</u> MOU - Rosemary Godwin, # <u>2</u> MOU - Diana Pereira, # <u>3</u> MOU - Vidalia Patterson, # <u>4</u> MOU - Thomas McNamara, # <u>5</u> MOU - Graham Hollett, # <u>6</u> MOU - John Hall, # <u>7</u> MOU - James Todd, # <u>8</u> MOU - Linda Gant, # <u>9</u> MOU - Melanie Fisher, # <u>10</u> MOU - Stephen Gordon) (Cress, L.) (Entered: 07/14/2010)
07/14/2010	<u>478</u>	ORDER Setting Discovery Conference - Hearing Set for Tuesday, August 17, 2010 at 10:00 AM in Raleigh - 5th Floor Courtroom before US Magistrate Judge James E. Gates. Counsel should review the order in its entirety for critical deadlines and information.

		Signed by US Magistrate Judge James E. Gates on 7/14/2010. (Callihan, J.) (Entered: 07/15/2010)
07/14/2010	<u>479</u>	ORDER ADOPTING the amended pretrial schedule in the table appended hereto in light of the court's 11 June 2010 order (Docket Entry 412) continuing the trial of this matter as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Counsel should review the order and amended pretrial schedule in the table appended hereto in its entirety for critical deadlines and information. Signed by US Magistrate Judge James E. Gates on 7/14/2010. (Callihan, J.) (Entered: 07/15/2010)
07/15/2010	<u>485</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. This Order memorializes certain rulings made at and other decisions reached based on the status conference held June 30, 2010. Counsel should review the order in its entirety for critical information. Signed by US Magistrate Judge James E. Gates on 7/15/2010. (Callihan, J.) (Entered: 07/16/2010)
07/16/2010		Terminate Deadlines as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi: 09/27/2010 Jury Selection deadline terminated. No longer a valid deadline. (Baker, C.) (Entered: 07/16/2010)
07/19/2010	<u>508</u>	ORDER granting 499 Motion to Produce defendant at the July 29, 2010 conference as to Mohammad Omar Aly Hassan (7). Counsel for all defendants should review the order in its entirety for critical deadlines and information. Signed by Chief Judge Louise Wood Flanagan on 7/19/10. (Cress, L.) (Entered: 07/20/2010)
07/21/2010	<u>515</u>	NOTICE of filing (Kocher, Barbara) (Entered: 07/21/2010)
07/26/2010	<u>522</u>	First MOTION to Produce <i>Defendant at Status Conference</i> by Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (Graves, Debra) (Entered: 07/26/2010)
07/26/2010		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi re <u>522</u> First MOTION to Produce <i>Defendant at Status Conference</i> , 523 MOTION to Produce <i>Defendant for Hearing</i> submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 07/26/2010)
07/26/2010		MOTIONS as to Daniel Patrick Boyd, Hysen Sherifi REFERRED to Magistrate Judge: <u>522</u> First MOTION to Produce <i>Defendant at Status Conference</i> , 523 MOTION to Produce <i>Defendant for Hearing</i> Motions referred to James E. Gates. (Rudd, D.) (Entered: 07/26/2010)
07/28/2010	<u>527</u>	ORDER denying <u>522</u> Motion to Produce as to Daniel Patrick Boyd (1); denying 523 Motion to Produce as to Hysen Sherifi (2); denying 500 Motion to Produce as to Anes Subasic (3); denying 509 Motion to Produce as to Zakariya Boyd (4). Signed by USMJ James E. Gates on 7/28/2010. Copies served electronically. Copy to US Marshal. (Rudd, D.) (Entered: 07/28/2010)
08/02/2010	<u>532</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi; re: Court's protective order at [DE #188, as amended by DE #202] – Counsel should review the order in its entirety for critical deadlines and information. Signed by USMJ James E. Gates on 7/30/2010. Copies served electronically. (Rudd, D.) (Entered: 08/02/2010)
08/12/2010	<u>538</u>	Minute Entry for proceedings held before USMJ James E. Gates: Telephone Conference with R. Daniel Boyce, counsel for Mohammad Omar Aly Hassan, held on 11 August 2010 regarding ex parte motion at D.E. 536. (CHAM, MB) (Entered: 08/12/2010)
08/12/2010	<u>540</u>	NOTICE NOTICE OF PROPOSED AGENDA FOR STATUS CONFERENCE (Bowler, John) (Entered: 08/12/2010)
08/17/2010		Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi: Status Conference reset for 8/17/2010 10:00 AM in Raleigh – 6th Floor Courtroom before USMJ James E. Gates. This changes the courtroom only, everything else remains the same. (Powers, S.) (Entered: 08/17/2010)

08/17/2010	<u>547</u>	Minute Entry for proceedings held before USMJ James E. Gates:Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 8/17/2010. Defendant Yaghi present with counsel. Written Order to follow. Next status conference date is set for October 5th at 10:00 in Raleigh, NC. Court goes forward with sealed discussions and ex parte matters (Court Reporter Harry Hagopian.) (Powers, S.) Modified on 8/19/2010 to correct the date for the next status conference(Powers, S.). (Additional attachment(s) added on 8/24/2010: # 1 Joint Proposed Order Regarding SBU Issues) (Powers, S.). (Entered: 08/17/2010)
08/20/2010	<u>556</u>	Order Setting Discovery Conference – Hearing set for Tuesday, October 5, 2010 at 10:00 AM in Raleigh – 5th Floor Courtroom before USMJ James E. Gates. Counsel should review the order in its entirety for critical deadlines and information. Signed by USMJ James E. Gates on 8/20/2010. Copies served electronically. (Rudd, D.) (Entered: 08/20/2010)
08/20/2010	<u>557</u>	SEALED ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi; Re: "SBU" materials. Signed by USMJ James E. Gates on 8/20/2010. Copies served on counsel. (Rudd, D.) (Entered: 08/20/2010)
09/30/2010	<u>595</u>	NOTICE of filing Joint Agenda for 10/5/10 Status Conference. (Bowler, John) (Entered: 09/30/2010)
10/01/2010	<u>596</u>	NOTICE of Filing Expert Reports (Bowler, John) (Entered: 10/01/2010)
10/05/2010	<u>598</u>	Minute Entry for proceedings held before US Magistrate Judge James E. Gates in Raleigh: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 10/5/2010. Present – US Attorney: Barb Kocher, John Bowler; Defendant: Debra Graves, Rosemary Godwin, Thomas McNamara, Robert McAfee, Myron Hill, Jr., Joseph Zeszotarski, Daniel Boyce, Douglas McCullough. Defendant Subasic present with counsel. Interpreter affirmed. The next status conference is scheduled for November 16, 2010. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters. (Court Reporter Harry Hagopian/FTR.) (Powers, S.). (Entered: 10/05/2010)
10/12/2010	<u>601</u>	Order Setting Hearings – Status Conference set for 11/16/2010 10:00 AM in Raleigh – 7th Floor – Courtroom 2 before US Magistrate Judge James E. Gates. Counsel should review the order in its entirety for critical deadlines and information. Signed by US Magistrate Judge James E. Gates on 10/12/2010. Copies served electronically. (Rudd, D.). (Entered: 10/12/2010)
10/13/2010	<u>605</u>	Notice: The Court has entered under seal a classified order denying in part and denying as moot in part the motion to compel and for a protective order (DE 279). The order will be served on all parties by the Court Security Officer or designee on October 14, 2010. Notice served electronically. (Rudd, D.) (Entered: 10/13/2010)
10/27/2010	<u>625</u>	OFFICIAL TRANSCRIPT OF SCHEDULING CONFERENCE as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 10/5/10, before Judge Gates. Court Reporter Harry Hagopian, Telephone number (252) 637-1200; e-mail: hhagopian@aol.com. Transcript may be purchased through the Court Reporter or viewed at the court public terminal before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 11/17/2010. Redacted Transcript Deadline set for 11/27/2010. Release of Transcript Restriction set for 1/25/2011. (Hagopian, Harry) (Entered: 10/27/2010)
10/27/2010	<u>626</u>	SEALED OFFICIAL TRANSCRIPT OF EX PARTE HEARING WITH ALL DEFENDANTS as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 10-5-10, before Magistrate Judge Gates. Court Reporter Harry Hagopian, Telephone number (252) 637-1200, e-mail: hhagopian@aol.com. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available at http://www.nced.uscourts.gov/PDF_Files/AttorneyTranscriptRedactionRequirements.pdf

		(Hagopian, Harry) (Entered: 10/27/2010)
10/27/2010		NOTICE of Filing of Official Transcript <u>626</u> SEALED Transcript, <u>625</u> Transcript, 628 SEALED Transcript, 627 Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Hagopian, Harry) (Entered: 10/27/2010)
11/02/2010	<u>638</u>	RESPONSE in Opposition to Take Deposition <i>Response in Opposition to Emergency Motion</i> by US Attorney as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Bowler, John) Modified on 11/3/2010 to modify the docket text to reflect the correct event. (Rudd, D.) (Entered: 11/02/2010)
11/12/2010	<u>653</u>	NOTICE of <i>filing proposed agenda</i> (Kocher, Barbara) (Entered: 11/12/2010)
11/16/2010	<u>655</u>	Minute Entry for proceedings held before US Magistrate Judge James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 11/16/2010. US Attorney: Barb Kocher, John Bowler; Defendant: Debra Graves, Rosemary Godwin, Paul Sun, John Wiles, Robert McAfee, Myron Hill, Jr., Joseph Zeszotarski, Daniel Boyce, Douglas McCullough. Defendant Subasic present with counsel. Interpreter affirmed. The next status conference is scheduled for January 11, 2011 at 10:00 am. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters (Court Reporter: Rebecca Crunk/FTR.) (Powers, S.) (Entered: 11/16/2010)
11/16/2010	<u>656</u>	MOTION for Extension of Time for provision of proposed transcripts until December 22, 2010 by US Attorney as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) (Entered: 11/16/2010)
11/17/2010		Motion Submission as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>656</u> MOTION for Extension of Time for provision of proposed transcripts until December 22, 2010 submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 11/17/2010)
11/17/2010		MOTIONS as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi REFERRED to Magistrate Judge: <u>656</u> MOTION for Extension of Time for provision of proposed transcripts until December 22, 2010 Motions referred to James E. Gates. (Rudd, D.) (Entered: 11/17/2010)
11/18/2010	<u>660</u>	Order Setting Discovery Conference – Hearings set for January 11, 2011 10:00 AM in Raleigh – 5th Floor Courtroom before US Magistrate Judge James E. Gates. Counsel should review the order in its entirety for critical deadlines and information. Signed by US Magistrate Judge James E. Gates on 11/16/2010. Copies served electronically. (Rudd, D.) (Entered: 11/18/2010)
11/19/2010	<u>663</u>	ORDER granting <u>656</u> Motion for Extension of Time as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8) – The government shall have until 12/15/10 to complete its production of the transcripts of the remaining government-designated audio. Signed by US Magistrate Judge James E. Gates on 11/19/2010. Copies served electronically. (Rudd, D.) (Entered: 11/19/2010)
11/24/2010	<u>670</u>	SECOND SUPERSEDING INDICTMENT as to Daniel Patrick Boyd (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss–7ss, 8ss, 9ss, 10ss, 11ss, Hysen Sherifi (2) count(s) 1ss, 2ss, 4ss, 8ss, 11ss, Anes Subasic (3) count(s) 1ss, 2ss, 12ss–13ss, Zakariya Boyd (4) count(s) 1ss, 2ss, 4ss, 8ss, Dylan Boyd (5) count(s) 1ss, 2ss, 5ss, Jude Kenan Mohammad (6) count(s) 1ss, 2ss, Mohammad Omar Aly Hassan (7) count(s) 1ss, 2ss and Ziyad Yaghi (8) count(s) 1ss, 2ss. (Marsh, K) (Entered: 12/01/2010)

12/07/2010	<u>678</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – This matter comes before the court upon its review of the docket and notice of the protective order regarding sensitive but unclassified materials entered December 10, 2009 [DE #188], and amended December 23, 2009 [DE #202]. Defendants are DIRECTED to provide by January 10, 2011, a list of all individuals in the above categories to whom sensitive but unclassified material has or is anticipated to be disclosed. Signed by Chief Judge Louise Wood Flanagan on 12/7/2010. Copies served electronically. (Rudd, D.) (Entered: 12/07/2010)
12/15/2010	<u>686</u>	NOTICE <i>of completion of disclosure of SBU transcripts</i> (Kocher, Barbara) (Entered: 12/15/2010)
12/30/2010	<u>693</u>	ORDER in furtherance of clarification of docketing procedures and protocols – Signed by Chief Judge Louise Wood Flanagan on 12/30/2010. Copies served electronically. (Baker, C.) (Entered: 12/30/2010)
01/06/2011	<u>710</u>	NOTICE <i>of filing of proposed agenda; no items</i> (Kocher, Barbara) (Entered: 01/06/2011)
01/10/2011	<u>715</u>	TEXT ORDER CONTINUING STATUS CONFERENCE: The status conference in this matter set for Tuesday, January 11, 2011, at 10:00 a.m. is CONTINUED until Thursday, January 13, 2011, at 10:00 a.m. The status conference will be held in Courtroom 2. Attendance requirements specified by previous orders remain in effect. Signed by US Magistrate Judge James E. Gates on 1/10/2011. Copies served electronically. Copy to US Marshal for service. (Rudd, D.) (Entered: 01/10/2011)
01/10/2011		Reset Hearings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi: Status Conference set for 1/13/2011 10:00 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ James E. Gates. (Rudd, D.) (Entered: 01/10/2011)
01/13/2011	<u>719</u>	Minute Entry for proceedings held before US Magistrate Judge James E. Gates: Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 1/13/2011. US Attorney: Barb Kocher, John Bowler; Defendant: Debra Graves, Rosemary Godwin, Paul Sun, Robert McAfee, Myron Hill, Jr., Joseph Zeszotarski, Daniel Boyce, Douglas McCullough, James Ayers, II. Defendants Subasic and Yaghi present with counsel. Interpreter affirmed. The next status conference is scheduled for February 22, 2011 at 10:00 am. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters (Court Reporter Rebecca Crunk/FTR.) (Powers, S.) (Entered: 01/13/2011)
01/18/2011	<u>724</u>	ORDER – This case came before the court on 13 January 2011 for a status conference. This order memorializes rulings made at and other decisions reached based on the conference. The next conference shall be held on Tuesday, 22 February 2011, at 10:00 a.m. in Courtroom 2 of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. All counsel of record shall attend. The presence of defendants is not required. Signed by U.S. Magistrate Judge James E. Gates on 01/18/2011. Copies served electronically. (Baker, C.) (Entered: 01/18/2011)
01/18/2011		Set Hearings as to all defendants: Status Conference set for 2/22/2011 at 10:00 AM in Raleigh – 7th Floor – Courtroom 2 before USMJ James E. Gates. (Baker, C.) (Entered: 01/18/2011)
01/25/2011	<u>736</u>	OFFICIAL TRANSCRIPT of STATUS CONFERENCE Proceedings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Ziyad Yaghi held on 1/13/2011, before Judge Gates. Court Reporter Rebecca Crunk. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's <u>website</u> . Redaction Request due 2/15/2011. Redacted Transcript Deadline set for 2/25/2011. Release of Transcript Restriction set for 4/25/2011. (Steele, F.) (Entered: 01/25/2011)
01/25/2011		NOTICE of Filing of Official Transcript – DE <u>736</u> – Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript.

		(Steele, F.) (Entered: 01/25/2011)
01/25/2011		NOTICE OF CORRECTION re: <u>736</u> Transcript. Incorrect transcript format used. Reporter has been directed to correct and refile. (Thuemmel Proctor, S.) (Entered: 02/03/2011)
01/28/2011	<u>752</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – As to all defendant's, it is ORDERED that the deadline for defendants to make designations from the SBU recordings is hereby extended to 2/28/11. Signed by US Magistrate Judge James E. Gates on 1/28/2011. Copies served electronically. (Rudd, D.) (Entered: 01/28/2011)
02/02/2011	<u>793</u>	NOTICE OF HEARING as to Daniel Patrick Boyd: Arraignment and Plea set for 2/9/2011 01:00 PM in New Bern – Courtroom before Chief Judge Louise Wood Flanagan. (Rudd, D.) (Entered: 02/02/2011)
02/03/2011	<u>794</u>	CORRECTED OFFICIAL TRANSCRIPT of STATUS CONFERENCE (Corrected as to format.) Proceedings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 1/13/2011, before Judge Gates. Court Reporter Rebecca Crunk. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 2/24/2011. Redacted Transcript Deadline set for 3/6/2011. Release of Transcript Restriction set for 5/4/2011. (Steele, F.) (Entered: 02/07/2011)
02/03/2011		NOTICE of Filing of Official Transcript – DE <u>794</u> – Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Steele, F.) (Entered: 02/07/2011)
02/09/2011	<u>799</u>	Minute Entry for proceedings held before Chief Judge Louise Wood Flanagan in New Bern: Arraignment as to Daniel Patrick Boyd (1) Count 1ss and 2ss held on 2/9/2011 – Defendant advised of all rights, charges and penalties by the Court – Defendant Affirmed – Plea entered by Daniel Patrick Boyd (1) – Guilty Count 1ss & 2ss – Plea Agreement – Counts 3 through 11ss to be Dismissed at Sentencing – Court accepts plea – Sentencing set for a term not sooner than ninety (90) days – Defendant remanded to custody. (Court Reporter Harry Hagopian.) (Rudd, D.) (Entered: 02/09/2011)
02/09/2011	<u>800</u>	PLEA AGREEMENT (conditionally approved) as to Daniel Patrick Boyd. (Rudd, D.) (Entered: 02/09/2011)
02/17/2011	<u>819</u>	NOTICE of filing of joint agenda for status conference of Feb 22, 2011 (Kocher, Barbara) (Entered: 02/17/2011)
02/22/2011	<u>822</u>	Minute Entry for proceedings held before US Magistrate Judge James E. Gates:Status Conference as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 2/22/2011. US Attorney: Barb Kocher, John Bowler; Defendant: Debra Graves, Rosemary Godwin, Paul Sun, Robert McAfee, Myron Hill, Jr., Joseph Zeszotarski, Michael McEnery, James Ayers, II. The next status conference is scheduled for April 4, 2011 at 1:00 pm. Written Order to Follow. Court goes forward with sealed discussions and ex parte matters. (Court Reporter Harry Hagopian.) (Powers, S.) (Entered: 02/22/2011)
02/23/2011	<u>823</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Signed by US Magistrate Judge James E. Gates on 2/22/2011. (Rudd, D.) MODIFIED on 3/9/2011 to UNSEAL per instruction of order. (Rudd, D.) (Entered: 02/23/2011)
02/24/2011	<u>829</u>	Order Setting Hearings – Status Conference set for 4/4/2011 01:00 PM in Raleigh – 5th Floor Courtroom before US Magistrate Judge James E. Gates. Counsel should review the order in its entirety for critical deadlines and information. Signed by US Magistrate Judge

		James E. Gates on 2/23/2011. Copies served electronically. (Rudd, D.) (Entered: 02/24/2011)
02/24/2011	<u>845</u>	Motion re <u>823</u> Order by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi (Kocher, Barbara) Modified on 3/7/2011 as to event naming convention only. (Callihan, J.) Modified on 3/9/2011 to UNSEAL per order at DE #877. (Rudd, D.). Modified on 3/9/2011 (Rudd, D.). (Entered: 02/24/2011)
02/24/2011	<u>846</u>	MOTION to Seal Motion <u>845</u> Motion <i>Objections and Request re: DE 823</i> by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (Kocher, Barbara) Modified on 3/7/2011 as to event naming convention only. (Callihan, J.) Modified on 3/9/2011 to correct language. (Rudd, D.). (Entered: 02/24/2011)
02/28/2011	<u>858</u>	OFFICIAL TRANSCRIPT of STATUS CONFERENCE Proceedings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan and Ziyad Yaghi held on November 16, 2010, before Judge James E. Gates. Court Reporter: Rebecca Crunk. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's <u>website</u> . Redaction Request due 3/21/2011. Redacted Transcript Deadline set for 3/31/2011. Release of Transcript Restriction set for 5/29/2011. (Thuemmel Proctor, S.) (Entered: 02/28/2011)
02/28/2011		NOTICE of Filing of Official Transcript <u>858</u> Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Thuemmel Proctor, S.) (Entered: 02/28/2011)
02/28/2011	<u>869</u>	Sentencing Scheduling Order Setting Hearings – Sentencing as to Daniel Patrick Boyd set for 5/20/2011 09:30 AM in New Bern – Courtroom before Chief Judge Louise Wood Flanagan. Absent a continuance, this order will constitute the only notice of hearing provided by the court. The court's calendar will be made available approximately three weeks prior to sentencing. Signed by Chief Judge Louise Wood Flanagan on 2/28/2011. Copies served electronically. (Rudd, D.) (Entered: 02/28/2011)
03/03/2011	<u>875</u>	MOTION for Forfeiture of Property for <i>Preliminary Order of Forfeiture</i> by USA as to Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order Preliminary Order of Forfeiture) (West, Stephen) (Entered: 03/03/2011)
03/03/2011		Motion Submission as to Daniel Patrick Boyd re <u>875</u> MOTION for Forfeiture of Property for <i>Preliminary Order of Forfeiture</i> submitted to Chief Judge Flanagan for consideration. (Rudd, D.) (Entered: 03/03/2011)
03/07/2011	<u>876</u>	PRELIMINARY ORDER OF FORFEITURE as to Daniel Patrick Boyd. Signed by Chief Judge Louise Wood Flanagan on 3/6/2011. (Rudd, D.) (Entered: 03/07/2011)
03/07/2011	<u>877</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – This matter comes now before the court upon the government's recent filing reference (DE845) denominated "Statement of Objection to and Request to Set Aside Order of Magistrate Judge." Any defendant wishing to be heard in response shall have up to and until 3/11/11. Should the deadline given in the order at issue expire tomorrow with no motion and supporting memorandum being filed seeking permanent sealing of that order, any response shall, as a matter of course, be lodged directly on the docket. Signed by Chief Judge Louise Wood Flanagan on 3/7/2011. Copies served electronically. (Rudd, D.) (Entered: 03/07/2011)
03/14/2011		NOTICE OF TELEPHONIC HEARING ON MOTION re <u>845</u> MOTION to Reconsider <u>823</u> ORDER: Telephonic Motion Hearing set for 3/17/2011 at 02:00 PM before Chief Judge Louise Wood Flanagan. Attendance mandatory for government. All other interested parties and/or defendants <i>may</i> appear. All counsel will be contacted in advance of conference by court personnel and provided the required dial-in information necessary

		to participate. (Baker, C.) (Entered: 03/14/2011)
03/17/2011	<u>898</u>	NOTICE of <i>Classified Ex Parte Filings of February 28, 2011</i> (Kocher, Barbara) (Entered: 03/17/2011)
03/17/2011		Minute Entry for proceedings held before Chief Judge Louise Wood Flanagan in New Bern: Telephone Conference held on 3/17/2011 – John Bowler and Barb Kocher present for US Attorney – Robert McAfee present for Hysen Sherifi – Paul Sun present for Anes Subasic – Joseph Zesotarski present for Dylan and Zakariya Boyd and Michael McEnergy present for Mohammed Hassan – Matters regarding the Government's Statement of Objection to and Request to Set Aside Order of Magistrate Judge {DE845}. Written order to follow. (Court Reporter Harry Hagopian.) (Rudd, D.) (Entered: 03/18/2011)
03/17/2011	<u>899</u>	ORDER re <u>845</u> PROPOSED SEALED MOTION filed by USA – The court, while taking the matter under advisement requested further supplement by the government by April 4, 2011, informing of the progress of its production of the three remaining statements. Counsel should read order in its entirety for information and critical deadlines. Signed by Chief Judge Louise Wood Flanagan on 3/17/2011. (Rudd, D.) (Entered: 03/18/2011)
03/31/2011	<u>915</u>	NOTICE of <i>filing Joint Agenda</i> (Kocher, Barbara) (Entered: 03/31/2011)
04/01/2011	<u>917</u>	PROPOSED SEALED Document by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi (Bowler, John) (Entered: 04/01/2011)
04/06/2011	<u>924</u>	Order Setting Hearing – Status Conference set for 5/17/2011 01:00 PM in Raleigh – 5th Floor Courtroom before Magistrate Judge James E. Gates. Counsel should review the order in its entirety for critical deadlines and information. Signed by Magistrate Judge James E. Gates on 4/5/2011. (Rudd, D.) (Entered: 04/06/2011)
04/06/2011	<u>925</u>	SEALED MOTION by USA as to Daniel Patrick Boyd (Attachments: # <u>1</u> Text of Proposed Order). (Bowler, John) (Entered: 04/06/2011)
04/07/2011		NOTICE OF DEFICIENCY by USA as to Daniel Patrick Boyd re: <u>925</u> PROPOSED SEALED Motion – Counsel must file a Motion to Seal along with a proposed order pursuant to Section "T" of the Policy and Procedures Manuel for CM/ECF. (Rudd, D.) (Entered: 04/07/2011)
04/07/2011	<u>926</u>	MOTION to Seal Document <u>925</u> PROPOSED SEALED MOTION by USA as to Daniel Patrick Boyd by USA as to Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (Bowler, John) (Entered: 04/07/2011)
04/08/2011	<u>927</u>	ORDER granting <u>926</u> Motion to Seal Document as to Daniel Patrick Boyd. Signed by Chief Judge Louise Wood Flanagan on 4/8/2011. (Rudd, D.) (Entered: 04/08/2011)
04/08/2011	<u>928</u>	SEALED ORDER as to Daniel Patrick Boyd. Signed by Chief Judge Louise Wood Flanagan on 4/8/2011. (Rudd, D.) (Entered: 04/08/2011)
04/08/2011		Minute Entry for ex parte proceedings held before United States Magistrate Judge James E. Gates: Telephone conference held on 4/8/11 regarding ex parte evidence review matter. Attending as liaison for certain defendants represented by CJA panel counsel: James M. Ayers, II. 10 Minutes. Per Judge Gates chambers. (Rudd, D.) (Entered: 04/11/2011)
04/08/2011		Terminate Deadlines and Hearings as to Daniel Patrick Boyd: Sentencing continued. (Rudd, D.) (Entered: 04/12/2011)
04/26/2011	<u>938</u>	OFFICIAL TRANSCRIPT OF STATUS CONFERENCE: Proceedings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 4/4/2011, before Judge Gates. Transcriber Rebecca Crunk. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's <u>website</u> . Redaction Request due 5/17/2011. Redacted Transcript Deadline set for 5/27/2011. Release of Transcript Restriction set for 7/25/2011. (Steele, F.) (Entered: 04/26/2011)

04/26/2011		NOTICE of Filing of Official Transcript – DE <u>938</u> – Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Steele, F.) (Entered: 04/26/2011)
04/26/2011		NOTICE OF CORRECTION re: <u>938</u> Transcript. Transcript cover sheet incorrectly lists additional US Attorney. Reporter has been notified of error and will refile. (Thuemmel Proctor, S.) (Entered: 04/26/2011)
04/26/2011	<u>939</u>	CORRECTED OFFICIAL TRANSCRIPT OF STATUS CONFERENCE Proceedings as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi held on 4/4/11, before Judge Gates. Court Reporter Rebecca Crunk. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's <u>website</u> . Redaction Request due 5/17/2011. Redacted Transcript Deadline set for 5/27/2011. Release of Transcript Restriction set for 7/25/2011. (Steele, F.) (Entered: 04/26/2011)
04/26/2011		NOTICE of Filing of Official Transcript – DE <u>939</u> – Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Steele, F.) (Entered: 04/26/2011)
05/02/2011	<u>954</u>	ORDER denying as moot <u>845</u> PROPOSED Sealed Motion as to Daniel Patrick Boyd (1), Hysen Sherifi (2), Anes Subasic (3), Zakariya Boyd (4), Dylan Boyd (5), Mohammad Omar Aly Hassan (7), Ziyad Yaghi (8). Counsel should read order in its entirety for critical information. Signed by Chief Judge Louise Wood Flanagan on 5/2/2011. (Rudd, D.) (Entered: 05/02/2011)
05/23/2011	<u>1001</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – This matter comes before the court on notice given by defendants pursuant to section five of the Classified Information Procedures Act ("CIPA"). Counsel should read order in its entirety for critical information and deadlines. Signed by Chief Judge Louise Wood Flanagan on 5/23/2011. (Rudd, D.) (Entered: 05/23/2011)
05/24/2011	<u>1017</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi – This case came before the court on 5/17/2011 for a status conference and Hearing on pro se MOTION filed by Anes Subasic 963 – Counsel should read order in its entirety for critical information and deadlines. Signed by Magistrate Judge James E. Gates on 5/23/2011. (Rudd, D.) (Entered: 05/24/2011)
05/31/2011	<u>1057</u>	ORDER granting 1048 Motion for Extension of Time – It is hereby ORDERED the time for the United States to provide its objections/consent to 18 remaining designations of defendant Subasic is hereby extended to June 3, 2011. Signed by Chief Judge Louise Wood Flanagan on 05/31/2011. (Baker, C.) (Entered: 05/31/2011)
05/31/2011	<u>1059</u>	NOTICE by USA PURSUANT TO Fed. R. Crim. P. 404(b) as to Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan and Ziyad Yaghi. (Bowler, John) (Entered: 05/31/2011)
06/03/2011	<u>1070</u>	NOTICE of United States Disclosure of Final Set of Proposed Changes to Defendants' Designations of Sensitive Recordings (Kocher, Barbara) (Entered: 06/03/2011)
06/09/2011	<u>1106</u>	Order as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, Ziyad Yaghi. Motions Hearing and Rule 16 Status Conference set for 7/29/2011 at 9:30 AM in New Bern – Courtroom before Chief Judge Louise Wood Flanagan. Counsel should refer to Order for critical information. Signed by Chief Judge Louise Wood Flanagan on 6/9/2011. (Tripp, S.) (Entered: 06/09/2011)

06/10/2011	<u>1119</u>	ORDER as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan and Ziyad Yaghi re <u>1106</u> – The court hereby AMENDS said order to reflect that the status conference will take place pursuant to Rule 17.1 of the Federal Rules of Criminal Procedure, which provides that on its own initiative, the court may hold pretrial conference to promote a fair and expeditious trial. Signed by Chief Judge Louise Wood Flanagan on 6/10/2011. (Rudd, D.) (Entered: 06/10/2011)
07/12/2011	<u>1222</u>	ORDER denying 1046 Motion in Limine as to Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan and Ziyad Yaghi. Signed by Chief Judge Louise Wood Flanagan on 7/11/2011. (Rudd, D.) (Entered: 07/12/2011)
07/15/2011	<u>1233</u>	NOTICE <i>RE: SUBMISSION OF JURY QUESTIONNAIRE</i> (Attachments: # <u>1</u> PROPOSED JURY QUESTIONNAIRE) (Bowler, John) (Entered: 07/15/2011)
07/26/2011	<u>1257</u>	Return of Service by US Marshal re Process Receipt and Return <u>876</u> on 7/21/2011. (Rudd, D.) (Entered: 07/27/2011)
07/26/2011	<u>1258</u>	Return of Service by US Marshal re Process Receipt and Return <u>876</u> on 7/21/2011. (Rudd, D.) (Entered: 07/27/2011)
07/27/2011	<u>1259</u>	Return of Service by US Marshal re Process Receipt and Return <u>876</u> on 7/21/2011. (Rudd, D.) (Entered: 07/27/2011)
08/05/2011	<u>1286</u>	NOTICE <i>of Filing, in camera and under seal, a classified ex parte supplement</i> (Kocher, Barbara) (Entered: 08/05/2011)
08/10/2011	<u>1298</u>	MOTION to Quash <i>Subpoena</i> by Daniel Patrick Boyd. (Attachments: # <u>1</u> Exhibit 1 – Subpoena, # <u>2</u> Exhibit 2 – Subpoena) (Godwin, Rosemary) (Entered: 08/10/2011)
08/18/2011	<u>1327</u>	MOTION for Reconsideration re 1321 Daubert Hearing, , , , and Notice re: Accommodation as to Transcript by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Bowler, John) (Entered: 08/18/2011)
08/25/2011	<u>1352</u>	RESPONSE in Opposition by Mohammad Omar Aly Hassan as to Daniel Patrick Boyd re <u>1298</u> First MOTION to Quash <i>Subpoena</i> (Attachments: # <u>1</u> Exhibit A – Clifford S. Fishman, Defense Access to a Prosecution Witness Psychotherapy or Counseling Records, 86 Oregon L. Rev. 1 (2007)) (Boyce, R.) (Entered: 08/25/2011)
08/26/2011	<u>1358</u>	Memorandum in Support by Ziyad Yaghi as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi re <u>1123</u> MOTION for Hearing <i>Daubert Hearing Prior to Trial to Determine Admissibility/Inadmissibility of Expert Testimony</i> (Ayers, James) (Entered: 08/26/2011)
08/29/2011	<u>1370</u>	NOTICE <i>(Reply to Omar Hassan's DE 1352 Response to Defendant's Motion to Quash Subpoena)</i> (Graves, Debra) (Entered: 08/29/2011)
08/29/2011	<u>1371</u>	NOTICE (Amended Reply to DE <u>1352</u> Response in Opposition to Defendant's Motion to Quash Subpoena). (Godwin, Rosemary) (Entered: 08/29/2011)
08/31/2011	<u>1382</u>	Order as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Mohammad Omar Aly Hassan, and Ziyad Yaghi – This matter is before the court on defendant Omar Hassan's response to order 1380 . Where the response indicates that all defendants join in the request, for the continued efficient administration of this case, the court sets this matter for hearing on 9/19/2011 at 9:00 AM in New Bern – Courtroom before Chief Judge Louise Wood Flanagan. Certified copy served via U.S. Mail on Anes Subasic. Signed by Chief Judge Louise Wood Flanagan on 8/31/11. (Tripp, S.) (Entered: 08/31/2011)
09/02/2011		MOTION as to Daniel Patrick Boyd REFERRED to Magistrate Judge James E. Gates: <u>1298</u> First MOTION to Quash <i>Subpoena</i> . (Rudd, D.) (Entered: 09/02/2011)
09/07/2011	<u>1402</u>	ORDER as to Daniel Patrick Boyd and Mohammad Omar Aly Hassan re <u>1298</u> First MOTION to Quash <i>Subpoena</i> filed by Daniel Patrick Boyd. Daniel Boyd is DIRECTED to file no later than 5:00 p.m. on 9/8/2011 affidavits or other evidence showing that the subpoenaed documents are subject to the attorney-client privilege and/or work-product doctrine, including, but not limited to, evidence demonstrating the scope of services

		provided by Drs. Corvin and Hilkey. Signed by Magistrate Judge James E. Gates on 9/7/2011. (Rudd, D.) (Entered: 09/07/2011)
09/08/2011	<u>1407</u>	NOTICE Supplemental Reply to <i>Omar Hassan's Response to Defendant's Motion to Quash Subpoena re 1402 Order</i> , <u>1371</u> Notice (Other) (Attachments: # <u>1</u> Exhibit Attachment 1 Expert or Consultant Service Contract – Dr. James Hilkey, # <u>2</u> Exhibit Attachment 2 Expert or Consultant Service Contract – Dr. James Hilkey, # <u>3</u> Exhibit Attachment 3 Expert or Consultant Service Contract – Dr. George Corvin, # <u>4</u> Exhibit Attachment 4 Attachment 1 Expert or Consultant Service Contract – Dr. George Corvin, # <u>5</u> Exhibit Guide to Judiciary Policy, Vol. 14, Appx. 1B, # <u>6</u> Exhibit Affidavit of Dr. James Hilkey, # <u>7</u> Exhibit Affidavit of Dr. George Corvin) (Graves, Debra) (Entered: 09/08/2011)
09/12/2011	<u>1420</u>	ORDER granting <u>1298</u> Motion to Quash as to Daniel Patrick Boyd. Signed by Magistrate Judge James E. Gates on 9/12/2011. (Rudd, D.) (Entered: 09/12/2011)
09/14/2011	<u>1428</u>	NOTICE <i>Objection to Admissibility of Government's Audio Recordings</i> (Ayers, James) (Entered: 09/14/2011)
09/15/2011	<u>1436</u>	NOTICE of <i>Declaration of Publication</i> (Attachments: # <u>1</u> Exhibit A – Advertisement Certification Report) (West, Stephen) (Entered: 09/15/2011)
09/15/2011	<u>1439</u>	MOTION to Compel <i>Computer Access</i> by Ziyad Yaghi as to Hysen Sherifi and Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (Ayers, James) (Entered: 09/15/2011)
09/15/2011	<u>1440</u>	Proposed Voir Dire by Ziyad Yaghi as to Hysen Sherifi, Mohammad Omar Aly Hassan and Ziyad Yaghi (Ayers, James) (Entered: 09/15/2011)
10/18/2011	<u>1525</u>	NOTICE OF HEARING as to Daniel Patrick Boyd, Zakariya Boyd and Dylan Boyd: Sentencing set for 12/20/2011 at 9:30 AM in New Bern – Courtroom before District Judge Louise Wood Flanagan. (Rudd, D.) (Entered: 10/18/2011)
11/02/2011	<u>1537</u>	MOTION for <i>A Final Order of Forfeiture</i> by USA as to Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (West, Stephen) (Entered: 11/02/2011)
11/02/2011		Motion Submitted District Judge Louise Wood Flanagan as to Daniel Patrick Boyd re <u>1537</u> MOTION for Forfeiture of Property for <i>Final Order of Forfeiture</i> . (Rudd, D.) (Entered: 11/02/2011)
11/02/2011	<u>1540</u>	FINAL ORDER OF FORFEITURE as to Daniel Patrick Boyd. Signed by District Judge Louise Wood Flanagan on 11/2/2011. (Rudd, D.) (Entered: 11/02/2011)
11/28/2011	<u>1549</u>	MOTION to Continue <i>Sentencing as to all 3 Boyds</i> by USA as to Daniel Patrick Boyd, Zakariya Boyd, Dylan Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (Bowler, John) (Entered: 11/28/2011)
11/29/2011		Motion Submitted to District Judge Louise Wood Flanagan as to Daniel Patrick Boyd, Zakariya Boyd, Dylan Boyd re <u>1549</u> MOTION to Continue <i>Sentencing as to all 3 Boyds</i> . (Rudd, D.) (Entered: 11/29/2011)
11/30/2011	<u>1554</u>	ORDER granting <u>1549</u> Motion to Continue as to Daniel Patrick Boyd (1); denying <u>1549</u> Motion to Continue as to Zakariya Boyd (4) and Dylan Boyd (5). Counsel should read order in its entirety for critical information. Signed by District Judge Louise Wood Flanagan on 11/29/2011. (Rudd, D.) (Entered: 11/30/2011)
11/30/2011		Terminate Hearing as to Daniel Patrick Boyd: Sentencing continued as to Daniel Boyd ONLY. Sentencing date to be determined. See order at <u>1554</u> . (Rudd, D.) (Entered: 11/30/2011)
12/22/2011	<u>1585</u>	NOTICE OF ATTORNEY APPEARANCE: Rosemary Godwin appearing for Daniel Patrick Boyd (Godwin, Rosemary) (Entered: 12/22/2011)
03/15/2012	<u>1818</u>	US Marshal Return of Service on Final Order of Forfeiture executed as to Daniel Patrick Boyd on 3/14/2012. This document has been redacted pursuant to the E-Government Act and the federal rules. The unredacted version of this document has been filed under seal. (Grady, B.) (Entered: 03/16/2012)
03/15/2012	<u>1819</u>	Unredacted Document – <u>1818</u> USM Return Executed. (Grady, B.) (Entered: 03/16/2012)

04/11/2012	<u>1867</u>	US Marshal Return of Service executed as to Daniel Patrick Boyd – Final Order of Forfeiture served on 4/5/2012. (Grady, B.) (Entered: 04/11/2012)
04/12/2012	<u>1874</u>	US Marshal Return of Service executed as to Daniel Patrick Boyd – Final Order of Forfeiture served on 3/29/2012. (Grady, B.) (Entered: 04/12/2012)
06/18/2012		Set Hearing as to Daniel Patrick Boyd: Sentencing set for 8/24/2012 at 2:00 PM in New Bern – Courtroom before District Judge Louise Wood Flanagan. (Tripp, S.) (Entered: 06/18/2012)
07/05/2012	<u>2066</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Daniel Patrick Boyd. (Carte, J.) (Entered: 07/05/2012)
08/17/2012	<u>2091</u>	SEALED Document by Daniel Patrick Boyd (Attachments: # <u>1</u> Exhibit Psychological Report, # <u>2</u> Exhibit Psychiatric Report) (Graves, Debra) Modified on 8/20/2012 to remove "proposed" from docket text. (Tripp, S.). (Entered: 08/17/2012)
08/17/2012	<u>2093</u>	MOTION to Seal <u>2091</u> PROPOSED SEALED Document by Daniel Patrick Boyd. (Attachments: # <u>1</u> Text of Proposed Order) (Graves, Debra) (Entered: 08/17/2012)
08/18/2012		Motion Submitted to District Judge Louise Wood Flanagan as to Daniel Patrick Boyd regarding <u>2093</u> MOTION to Seal <u>2091</u> PROPOSED SEALED Document. (Tripp, S.) (Entered: 08/18/2012)
08/20/2012	<u>2097</u>	ORDER granting <u>2093</u> Motion to Seal as to Daniel Patrick Boyd. Signed by District Judge Louise Wood Flanagan on 8/20/12. (Tripp, S.) (Entered: 08/20/2012)
08/24/2012	<u>2111</u>	Minute Entry for proceedings held before District Judge Louise Wood Flanagan in New Bern: Sentencing held on 8/24/2012 for Daniel Patrick Boyd – Defendant present with counsel – Assistant U.S. Attorneys present for USA – Bureau of Prisons – 180 months on Count 1ss, and a term of 216 months on Count 2ss, to be served concurrently producing a total imprisonment term of 216 months – Supervised Release – 3 years on Count 1ss and a term of 5 years on Count 2ss, such terms to run concurrently, producing a total term of 5 years – Special Conditions imposed – Special Assessment \$200.00 – due in full immediately – Fine \$3,000.00 (interest waived) – due in full immediately – Recommendations include placement at Federal Correctional Institution at Butner, NC – Defendant advised of appeal rights and remanded to custody of US Marshal. (Court Reporter – Harry Hagopian) (Tripp, S.) (Entered: 08/24/2012)
08/24/2012		SEALED ORAL ORDER as to Daniel Patrick Boyd. Entered in open court by District Judge Louise Wood Flanagan on 8/24/12. (Tripp, S.) (Entered: 08/24/2012)
08/24/2012		ORAL MOTION for Downward Departure by Daniel Patrick Boyd. (Tripp, S.) (Entered: 08/24/2012)
08/24/2012		ORAL ORDER denying ORAL MOTION for Downward Departure filed by Daniel Patrick Boyd. Entered in open court by District Judge Louise Wood Flanagan on 8/24/12. (Tripp, S.) (Entered: 08/24/2012)
08/24/2012	<u>2115</u>	JUDGMENT as to Daniel Patrick Boyd – Bureau of Prisons – 180 months on Count 1ss, and a term of 216 months on Count 2ss, to be served concurrently producing a total imprisonment term of 216 months – Supervised Release – 3 years on Count 1ss and a term of 5 years on Count 2ss, such terms to run concurrently, producing a total term of 5 years – Special Conditions imposed – Special Assessment \$200.00 – due in full immediately – Fine \$3,000.00 (interest waived) – due in full immediately – Recommendations include placement in the Federal Correctional Institution at Butner, NC. Signed by District Judge Louise Wood Flanagan on 8/24/12. (Tripp, S.) (Entered: 08/28/2012)
11/24/2014	<u>2204</u>	OFFICIAL TRANSCRIPT OF SENTENCING HEARING PROCEEDINGS as to Daniel Patrick Boyd held on August 24, 2012, before District Judge Louise W. Flanagan. Court Reporter Harold Hagopian. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. Redaction Request due 12/18/2014. Redacted Transcript Deadline set for 12/28/2014. Release of Transcript Restriction set for 2/25/2015. (Thuemmel Proctor, S.) (Entered: 11/24/2014)

11/24/2014	<u>2205</u>	SEALED OFFICIAL TRANSCRIPT OF SENTENCING HEARING PROCEEDINGS as to Daniel Patrick Boyd held on August 24, 2012, before District Judge Louise W. Flangan. Court Reporter Harold Hagopian. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website. (Thuemmel Proctor, S.) (Entered: 11/24/2014)
11/24/2014		NOTICE of Filing of Official Transcript <u>2205</u> SEALED Transcript, <u>2204</u> Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Thuemmel Proctor, S.) (Entered: 11/24/2014)
01/24/2018	<u>2274</u>	MOTION to Withdraw as Attorney of <i>Government Forfeiture Counsel</i> by Stephen A. West filed by USA as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. (Attachments: # <u>1</u> Text of Proposed Order) (West, Stephen) (Entered: 01/24/2018)
01/24/2018	<u>2275</u>	ORDER granting <u>2274</u> Motion to Withdraw as Attorney. Stephen A. West withdrawn from case as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi – Signed by District Judge Louise Wood Flanagan on 1/24/2018. (Tripp, S.) (Entered: 01/24/2018)
11/27/2018		Attorney update in case as to Daniel Patrick Boyd, Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, Ziyad Yaghi. Attorney Seth Morgan Wood terminated. (Tripp, S.) (Entered: 11/27/2018)
02/26/2019	<u>2302</u>	COPY REQUEST by Daniel Patrick Boyd. (Forwarded to T. Blankenship for processing) (Attachments: # <u>1</u> Envelope) (Tripp, S.) (Entered: 02/26/2019)
02/26/2019	<u>2303</u>	Letter to Daniel Patrick Boyd regarding copy request. (Tripp, S.) (Entered: 02/26/2019)

In The UNITED STATES COURT of the EASTERN DISTRICT of NORTH CAROLINA

THE UNITED STATES OF AMERICA - Plaintiff;

v.

DANIEL BOYD - Defendant, Pro Se;

Criminal No. 5:09-cr-00216-FL-1

MOTION for DISCLOSURE of: GRAND JURY TRANSCRIPTS, BALLOT, or RECORD for INSPECTION; INDICTMENT; and CRIMINAL COMPLAINT

NOW COMES movant Daniel Boyd, acting in proper person, to respectfully request this Court to issue an "Order of Disclosure" for several essential documents pertaining to his criminal prosecution. The documents requested for disclosure are: grand jury hearing transcripts, ballot, or record for inspection; indictment pertaining to the criminal charge; and criminal complaint.

In support of the foregoing, the movant states the following facts:

I. REASONS (INJUSTICE ARGUMENT)

- a) Capital or infamous crimes may not be charged against any person without presentment of an indictment by a grand jury of his peers;
- b) Grand jury transcripts, ballots, and records must be available for inspection so as to determine the validity of those proceedings;
- c) An affidavit of criminal complaint is required to establish probable cause of any potential criminal conduct;
- d) Without an indictment, no jurisdiction is established;
- e) If jurisdiction is not established, no person may be detained;
- f) If the Rules of criminal procedure are significantly violated, a person's due process rights are violated;
- g) Due process includes "life, liberty, and the pursuit of happiness" or "property" which are stripped by incarceration;
CONSPIRACY TO PROSECUTE MATERIAL
- h) Movant was convicted of TERRORISTS ? MURDER 18 United States Code, section 2339, subsection (A);
- i) Without disclosure of the requested documents, movant cannot ascertain whether or not his due process rights were upheld;
- j) Their absence on the court's docket indicates injustice;
- k) The hearings pursuant to some or all of these documents and their inclusion on the record were not docketed by the court, and;
- l) Movant is financially incapable of procuring these documents without the court's assistance.

II . REQUEST for RELIEF

Movant requests the following documents for disclosure:

- a) Grand Jury Transcripts;
- b) Grand Jury Ballot;

- c) Grand Jury Record;
- d) Indictment, duly endorsed by its foreperson and the United States Attorney, and:
- e) Criminal Complaint.

III . GROUNDS

A potential injustice is suspected and is argued. Movant believes that his prosecution may have been in violation of the constitution's Fourth Amendment. If the required documents for a valid arrest were not present, Federal Statutory rights were violated. The argument arises from the fact that some are currently not docketed in the court's record. A sound Affidavit of Criminal Complaint seems to be non-existent, according to the court's docket. Such an absence of Complaint would mean that essential facts constituting the jurisdiction to determine the charges are also absent. Under Federal Rules of Criminal Procedure Three (3) and Four (4), the purpose of such a Complaint is to enable the appropriate magistrate to determine whether the required probable cause to support a warrant exists. [Giordenello v. United States, 357 U.S. 480, 2 L. Ed. 2d 1503, 78 S. Ct. 1245]

The absence of those documents means that the government, in its prosecution, failed to comply with the rules prescribed under the authority of Congress. In the acts of June 29th, 1940 ch. 445, 18 USC (former) statute 687 and statute 3771, Congress detailed the proceedings in a criminal case prior to and including the verdict. By failing to comply, the Fifth Amendment of the Constitution and the laws of the United States are violated. Implicitly jurisdictional, the constitution states, "No person shall be held to answer for a capital or otherwise infamous crime unless on presentment of Indictment by a Grand Jury..." Therefore, movant had a right to a grand jury indictment. Yet, the record of the court docket contains no account of such a hearing. Therefore, without disclosure of the records, it is impossible to determine whether movant was ever actually indicted. In *Ex parte Bain* 121 U.S. 1, 7 S. Ct. 781, 30 L. Ed. 849, (1887), the Supreme Court held that District Courts have no jurisdiction to charge a person if material complications abound vis-a-vis the grand jury's impaneling or competency on finding the indictment. A trial on such an indictment is void.

It is conceivable that the Court lacked authority to performed the functions authorized by law in its criminal proceedings, as delineated in Rule Six (6) of Federal Criminal Procedure. That would mean that movant was deprived of his Constitutional and Statutory rights as of July the 27th, 2009. He is an American citizen. Disclosure is required as it is not possible to determined whether the arrest conformed to Rule (9) of Federal Criminal Procedure, Arrest Warrant or Summons or Indictment or Information.

If no indictment can be produced, the essential elements of Fed.F.Cr.P 6(a) are not affirmatively demonstrated. A lawfully impaneled Jury of twelve must concur with the indictment, as in subsection 6(c), for it to reach the status of "true bill." The purpose of an independent grand jury is not only to investigate possible criminal conduct but also to act as a "protector of citizens from arbitrary and oppressive governmental action." The grand jury's explicit purpose is to "stand between the prosecutor and the accused," determining the legitimacy of charges or whether it "is dictated by malice or personal ill." Cf. *Hale v. Henkell* 201 U.S. 42 (1906). Former Supreme Court Justice A. Scalia expounds, in *United States v. Williams*, 504 U.S. 36 (1992), that the grand jury is the equivalent of a fourth branch of government not to be tampered with by any other branch.

Movant was never accorded the right to inspect the grand jury ballot or record, which indicates the exact number of jurors in concurrence with finding the indictment. It is unknown if such a record was properly maintained. The docket sheet for the court does not indicate that the grand jury ever convened, in fact, and no entry for it is evident. *Douglas Oil Co. of California v. Petrol Stops Northwest*, 441, U.S. 211, 60 L. Ed. 2d 156, 99 S. Ct. 1667 (1979) determined that material sought to prevent possible injustice in another judicial proceeding has greater precedence than whatever need exists for continued secrecy. The request for such material must be structured to encompass only the material needed.

The Constitution provides that, "no person shall be deprived of life or liberty without due process of law." Movant prepares to file a civil action regarding his incarceration but will be unable to do so without the requested documents. Absolute immunity defenses are intended to be circumvented by the actual conduct of the judicial officers acting in violation of Federal Statutes, as in *Stump v. Sparkman* 435 U.S. 349, 356-357, 55 L. Ed. 331, 98 S. Ct 1099 (1978). Injustice may abound without the disclosures. Pursuant to Rule 6(e) of Criminal Procedure, the Court must authorize disclosure at a time, in a manner, subject to any other conditions that directs a grand jury preliminary hearing, or another in conjunction with a judicial proceeding, if requested by a movant who demonstrates that a ground may exist to dismiss the indictment due to a matter occurring, or not occurring, before the grand jury.

Federal prisoners may obtain transcripts and other documents pursuant to the Court Reporter Act, 28 U.S.C. section 753(f). The claims raised in this motion meet clear standard for not being frivolous and the documents to be decided. Furthermore, the Freedom of Information Act, 5 U.S.C. section 552, requires that the government to disclose all documents. The movant is financially incapable of procuring these documents and is in need of them in order to establish the level of injustice perpetrated.

Signed on 3/19/2019,

x Daniel Boyd, Pro Se

Name: DANIEL BOYD

Inmate ID # 51765 - 056

[FCI] or USP (Circled) ALLENWOOD FCC

PO Box 2000

WHITE DEER, PA 2000

#justice4all

IV . CERTIFICATE of SERVICE

I, DANIEL BOYD, hereby certify that the forgoing is a truly served copy. It must be deemed filed at the time delivered to prison authorities for forwarding to the court, Houston v. Lack, 101 L. Ed. 2d 245 (1988), upon the court and parties to litigation and/or his/her attorney(ies) of record; by placing the same in a sealed, postage paid, envelope addressed to the Assistant United States Attorney's following address;

U S ATTORNEY'S OFFICE
AMY N. OKEREKE
310 NEW BERN AVENUE SUITE 800
Raleigh, NC 27601

Then deposited in the United States Postal Mail at the facility written above.

Other Orders/Judgments

5:09-cr-00216-FL USA v. Boyd et al
CASE CLOSED on
11/18/2013

CLOSED,USMJ Gates

U.S. District Court**EASTERN DISTRICT OF NORTH CAROLINA****Notice of Electronic Filing**

The following transaction was entered on 4/9/2019 at 1:09 PM EDT and filed on 4/9/2019

Case Name: USA v. Boyd et al

Case Number: 5:09-cr-00216-FL

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER as to Daniel Patrick Boyd regarding [2305] MOTION for Disclosure for Disclosure of Grand Jury Transcripts, Ballot, or Record for Inspection; Indictment; and Criminal Complaint filed by Daniel Patrick Boyd - This matter comes before the court on defendant's pro se motion for disclosure. Defendant filed his motion on March 25, 2019. The government has not responded, and the deadline for doing so has passed. However, the court would benefit from the government's response. Accordingly, the government is DIRECTED to respond to defendant's motion within fourteen (14) days of entry of this order. Signed by District Judge Louise Wood Flanagan on 4/9/2019.
(Tripp, S.)

5:09-cr-00216-FL-1 Notice has been electronically mailed to:

Myron T. Hill, Jr

Paul K. Sun, Jr

James M. Ayers, II

Barbara D. Kocher

John Clark Fischer

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA)
v.) GOVERNMENT RESPONSE TO
DANIEL PATRICK BOYD) DEFENDANT'S PRO SE FILING
a/k/a "Saifullah") (DE 2805)

The United States Attorney for the Eastern District of North Carolina hereby responds to Defendant Boyd's March 29, 2019 *pro se* filing entitled "Motion for disclosure of: Grand Jury Transcripts, Ballot, or Record for Inspection; Indictment; and Criminal Complaint".¹

ARGUMENT AND ANALYSIS

Defendant's motion is a frivolous filing making absurd statements and demanding documents without providing any applicable statutory or legal authority to support these claims. At best, Defendant Boyd has – albeit offhandedly – made a claim under the Freedom of Information Act.

Defendant's motion asserts that the record of his case contains no indication that a criminal complaint was ever filed which would thus display a violation of the Defendant's Fourth Amendment rights. Defendant additionally seems to assert that

¹ On April 9, 2019, by text order, the Government was directed to respond; thus the present filing falls within the 14 day window provided by the Court to file a response.

he is unaware of the existence of an indictment as well, the lack of which would result in various constitutional deprivations. This is a frivolous grievance. As the Defendant well knows, no complaint exists; nor is one required because he was indicted before a grand jury in the Eastern District of North Carolina, which was then superseded twice. *See* Indictment at DE 3, Superseding Indictment at DE 145, and Second Superseding Indictment at DE 670. The Defendant was presented a copy of his indictment at his initial appearance, waived appearance for superseding indictments and plead guilty to Counts One and Two of the Second Superseding Indictment before this very Court. In fact, as this Court is also well aware, Defendant Boyd later testified during the trial of co-conspirators to this very fact and acknowledged these indictments and his guilty plea. Simply put, the Indictments are public records in existence.

Defendant's motion next complains that he was "never accorded the right to inspect the grand jury ballot or record," and that "the docket sheet for the court does not indicate that the grand jury was ever convened; in fact, and no entry for it is evident." It is unclear exactly what ballot or record defendant seems to believe exists that he has a right to. In any case, the Government would point to the Indictment, Superseding Indictment, and Second Superseding Indictment – each of which were signed by the foreperson of the Grand Jury and filed with the Court. This is obviously evidence of the Grand Jury's convening and quorum decision supporting charges by probable cause.

Despite this, the Defendant illogically asserts that these claims thus raise

necessity for this Court to authorize disclosure of Grand Jury Records. Grand Jury matters are protected from disclosure under Federal Rule of Criminal Procedure (FRCP) 6(e). One exception applies allowing for a Court to authorize disclosure when a defendant "shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury." FRCP 6(e)(3)(E)(ii). In the present instance, there has been no showing of any ground to dismiss the indictment. In fact, the defendant has apparently claimed there is no indictment in the first place. Alternatively, the Defendant has – without a scintilla of evidence – imagined that a sufficient quorum did not vote on the indictment. This is far from showing by any legal standard that "a ground may exist" to dismiss the indictment in this case. Creative imagination is not the basis by which such a ground is to be displayed to this Court.

Defendant next cites to the Court Reporter Act under 28 U.S.C. § 753(f) as authority for the claim that a federal prisoner may "obtain transcripts and other documents," but the plain reading of this provision is that it regards the payment of fees for such transcripts and other documents otherwise properly sought. It is not an independent basis upon which to rely for provision of the documents. In this instance, it would only be applicable if the Court were to find cause in exception to non-disclosure and authorize disclosure of Grand Jury matters. Moreover, it would only be applicable insofar as relating to who would bear the costs associated with fees for transcripts. And, only if the Court were to certify that the "appeal is not frivolous (but presents a substantial question)". However, there is no reason to find an

exception to the grand jury secrecy, there are no transcripts at issue, this is not an appeal, and no substantial questions have been raised.

In the last two lines of his motion, Defendant notes, “[f]urthermore, the Freedom of Information Act, 5 U.S.C. Section 552, requires that [sic] the government to disclose all documents. The movant is financially incapable of procuring these documents and is in need of them in order to establish the level of injustice perpetrated.” Thus, it would appear that the Defendant is attempting to make a FOIA claim to this Court for grand jury records – specifically for “grand jury ballot or record, which indicates the exact number of jurors in concurrence with the findings of the indictment,” in his case. If FOIA is a matter allowing for disclosure of what the Defendant is requesting, then it is peculiar to cite to FOIA in a motion to this court when there is no evidence that the Defendant has first made a FOIA claim upon the Department of Justice in accordance with well-publicized process for how to do so.² Under this process, there are provisions for submitting a claim, instances in which fees may be waived, and the ability to file administrative appeals. FOIA itself then provides requesters with the right to challenge an agency’s action on the request in federal court.

CONCLUSION

In summary, Defendant’s motion is frivolous due to claims that are clearly inapplicable and otherwise known to the Defendant. The claims presented provide no grounds to find an exception authorizing disclosure of grand jury matters. To the

² See e.g., <https://www.justice.gov/oip/make-foia-request-doj>

extent that the Defendant believes the Government to be in possession of documents that must be provided in accordance with the Freedom of Information Act, then he should apply that process to request such records from the agency believed to have said records. The Government additionally notes that while submitted and signed by Defendant Boyd, the motion at page three (3) also states that it was "prepared by Themba B. Sanganza, Human Rights Activist." This is not an attorney, seems to be a self-entitled "human rights activist," and appears to be an individual imprisoned with Defendant Boyd who is providing inaccurate legal advice to Defendant Boyd.³ For these reasons, the United States respectfully asserts that Defendant's *pro se* motion should be denied.

This, the 17th day of May, 2019.

ROBERT J. HIGDON, JR.
United States Attorney

By: /s/ Jason M. Kellhofer
JASON M. KELLHOFER
Assistant United States Attorney
United States Attorney's Office
310 New Bern Avenue, Suite 800
Raleigh, NC 27601
Ph: 919-856-4530; Fax: 919-856-4487
Email: jason.kellhofer@usdoj.gov
OH Bar # 0074736

³ The Judgement order in the case of U.S. v. Themba Benard Sanganza (DE 83 of case number 4:16cr50) displays that Themba Bernard Sanganza, acting *pro se*, pled guilty within the Eastern District of Virginia to violations of Mail Fraud (18 USC § 1341), Bank Fraud (18 USC § 1344), and Aggravated Identity Theft (18 USC § 1028A) resulting in a sentence of 168 months.

CERTIFICATE OF SERVICE

This is to certify that I have this the 17th day of April, 2019, served a copy of the foregoing Government Response to Defendant's Pro Se Filing (DE 2305) upon the defendant by mailing a copy of the same via the United States Postal Service to:

Daniel Patrick Boyd
Inmate Number 51765-056
Allenwood Medium FCI
PO Box 2000
White Deer, PA 17887

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA)
)
)
v.)
)
)
DANIEL PATRICK BOYD, a/k/a)
"Saifullah;")
)
Defendant.)

ORDER

This matter comes now before the court upon motion of defendant Daniel Patrick Boyd filed March 25, 2019, on what appears to be a jailhouse form, circulated by another who calls himself a "Human Rights Activist." The movant complains some injustice is suspected to have been inflicted on substantive and/or procedural grounds, and, because of this, he is entitled to disclosure of specified case documents. It reads in opening part:

In The UNITED STATES COURT of the EASTERN DISTRICT of NORTH CAROLINA

THE UNITED STATES OF AMERICA - Plaintiff;

v.

Daniel Boyd, Defendant, Pro Se;

Criminal No. 5:09-cr-00216-FL-1

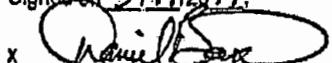
MOTION for DISCLOSURE of: GRAND JURY TRANSCRIPTS, BALLOT, or RECORD for INSPECTION; INDICTMENT; and CRIMINAL COMPLAINT

NOW COMES movant Daniel Boyd, acting in proper person, to respectfully request this Court to issue an "Order of Disclosure" for several essential documents pertaining to his criminal prosecution. The documents requested for disclosure are: grand jury hearing transcripts, ballot, or record for inspection; Indictment pertaining to the criminal charge; and criminal complaint.

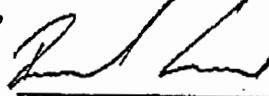
(DE 2305, p. 1). The March 25, 2019, motion now before this court reads in conclusory part:

Federal prisoners may obtain transcripts and other documents pursuant to the Court Reporter Act, 28 U.S.C. section 753(f). The claims raised in this motion meet clear standard for not being frivolous and the documents to be decided. Furthermore, the Freedom of Information Act, 5 U.S.C. section 552, requires that the government to disclose all documents. The movant is financially incapable of procuring these documents and is in need of them in order to establish the level of injustice perpetrated.

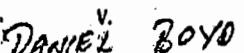
Signed on 3/19/2019


Name: DANIEL BOYD Pro Se
Inmate ID # 51765 - DSG
FCI or USP (Circled) ALLENWOOD FCC
PO Box 2000
WHITE PLAINS, PA 2000

#Justice4all

Prepared By 
THERESA B. SANGUANA
HUMAN RIGHTS ACTIVIST

(DE 2305, p. 3). This motion comes on the heels of an earlier, similarly formulaic request, received in the clerk's office February 26, 2019. This request read:

IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF NORTH CAROLINA
UNITED STATES OF AMERICA Plaintiff;
v.

DANIEL BOYD Defendant;

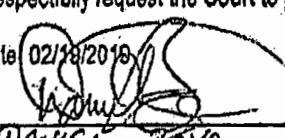
Criminal No. 5:09-cr-216-1FL FEB 26 2019

FILED
BY PETER A. MOORE JR., CLERK
US DISTRICT COURT, EDCN, DEP CLK

MOVANT REQUEST FOR GRAND JURY BALLOT OR RECORD, COURT DOCKET SHEET AND SUPERSEDING INDICTMENT

Attention Court of the Clerk, please note this is an official affidavit Notice Pursuant to Rule 6(f) of Federal Rules Criminal Procedure to Issue Movant Grand Jury Ballot or Record for Inspection, Court Docket Sheet and Superseding Indictment. Movant was never accorded the right to inspect the grand jury ballot or record including the number of jurors concurrence in finding the indictment, or if such record was properly maintained.

I respectfully request the Court to grant this request.

Date 02/18/2019
Is/

DANIEL BOYD
Pro Se

DE 2302). Interpreting the February 26, 2019, missive as a request for a copy of the docket sheet and superceding indictment, the clerk promptly responded, informing Mr. Boyd that he would be required to pay a total of \$28.00 for these items. (DE 2303). Shortly thereafter, Mr. Boyd's wife

wrote to the clerk, reiterating her husband's request for the docket sheet and superceding indictment, and enclosing a money order on his behalf in the amount of \$28.00. (DE 2304).

Around two weeks later, payment having been made for the docket sheet and a copy of the superceding indictment, mailed by the clerk to Mr. Boyd, the instant motion appeared. (DE 2305). It states on its face, as noted above, that it was prepared by one Themba B. Sanganeza, whom the government identifies in its response as a convicted fraudster incarcerated with Mr. Boyd, providing, as is plain, inaccurate legal advice to him. (DE 2311).

The court is mindful of those who prey upon their fellow inmates to gain influence or favor by promoting futile legal strategies. As Mr. Boyd is aware, he can receive upon payment copies of court records. Without more, as the government notes, he is not entitled to disclosure of grand jury records.

The judgment against Mr. Boyd, long ago made final, reflects on its face Mr. Boyd's receipt of a well-deserved substantial cut in time for his cooperation with and assistance to the government in this very serious case. The Federal Bureau of Prisons reports this date that Mr. Boyd, who came into the custody of the United States of America on July 27, 2009, is anticipated to be released April 7, 2025.

There being no basis in law or fact for the relief requested, without more, the motion, (DE 2305), must be and is DENIED.

SO ORDERED, this the 17th day of April, 2019.

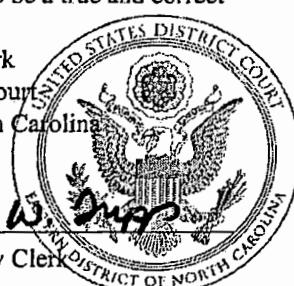
I certify the foregoing to be a true and correct copy of the original.

Peter A. Moore, Jr., Clerk
United States District Court
Eastern District of North Carolina

By:

Susan W. Drey

Deputy Clerk



Louise W. Flanagan
LOUISE W. FLANAGAN
United States District Judge



Privacy Act Statement In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester¹ Daniel Patrick Boyd

Citizenship Status² U.S. Citizen Social Security Number³ 591-40-0526

Current Address FCI Allenwood P.O. Box 2000 White Deer, PA 17887

Date of Birth Sept. 15th, 1969 Place of Birth Carmel, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature⁴ [Handwritten Signature] Date 4-26-2019

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Requestor:

Name: Daniel Patrick Boyd

Register No: 51765-056

Address: FCI Allenwood P.O. Box 2000
White Deer, PA. 17887

FOIA/PA Form

Agency:

F.B.I.

D.E.A.

B.O.P.

I.R.S.

A.T.F.

I.N.S.

Other: Court Records

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST
UNDER TITLE 5 U.S.C. §§ 552, 552a(d)(a)

Dear Sir/Ms:

This is a formal request pursuant to the provisions of the Freedom of Information Act under Title 5 U.S.C. §552 and the Privacy Act under Title 5 U.S.C. §552a(d)(1) and the applicable Federal Statutes that governs disclosure of the requested information listed below.

- 1) GRAND JURY TRANSCRIPTS
- 2) INDICTMENTS FOR CRIMINAL NO.
- 3) WARRANT OF ARREST
- 4) GRAND JURY BALLOT OR RECORD FOR INSPECTION
- 5) CRIMINAL COMPLAINT
- 6) CERTIFICATE OF CONCURRENCE
- 7) _____

It is further requested that your Agency provide me with a copy of specific regulations of your department as provided by statute under 5 U.S.C. § 552, so that compliance with such regulations are adhered to except as otherwise provided by law.

Pursuant to Title 5 U.S.C. § 552(6) (A) (i) (ii), it is noted that your Agency has ten (10) working days following receipt of this request to provide the information sought. Should any delay occur, it is requested that your Agency inform me of this delay as provided by Agency Regulations, and the date as to when your Agency will be able to act upon my request.

This request is made under the FOIA/PA under 5 U.S.C. §§ 552, 552a together with the "ALTERNATE MEANS OF ACCESS" to permit access to records that have been filed or still on file with your Agency.

Thank you,

I, Daniel P. Boyd, declare under the penalty of perjury that I am the Requestor who is currently incarcerated. I may also be identified by my SSN: 591.40.0526, DOB: 9-15-69 and U.S. Marshal/BOP Register No. 51765-056

To assure your Agency that there is no fraud, I have included my personal information.

Direct Response To:

Daniel Boyd
FCI Allenwood
P.O. Box 2000
White Deer, PA 17887

Respectfully submitted,

This 26 day of April, 2019

INMATE NAME/NUMBER: Daniel Boyd 51765-056
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD FCI
P.O. BOX 2000
WHITE DEER, PA 17887



↔51765-056↔
Freedom Of Information Act
111 Massachusetts AVE NW
2nd Floor Ullico Bldg.
Washington, DC 20529
United States

In the UNITED STATES COURT of the DISTRICT of COLUMBIA

Daniel Boyd, Pro Se Plaintiff;

v.

DONALD TRUMP
Chief Executive Officer of the United States
Office of the President;

WILLIAM BARR
United States Attorney General
Department of Justice;

SUSAN B. GERSON
Assistant Director
Office of the United States Attorneys;

JOHN DOE
Associate Director
Office of Information Policy;

DAVID L. HARLOW
Deputy Director
United States Marshal Service;

WILLIAM E. BORDLEY
Associate General Counsel
United States Marshal Service, and;

JOHN DOE
Director of the Bureau of Prisons
Department of Justice; Defendants.

Civil No. _____ (To be provided by the Clerk of Courts)

"Rebellion to tyranny is obedience to God."
- Benjamin Franklin

COMPLAINT PURSUANT to the [Freedom of Information Act, Title 5 USC sections 552, 552(a)(4)(B), 552(a)(6)(C)(i)] and [Presidential Memorandum 74 Fed. Reg. 4683]

I. PREAMBLE

The United States of America is a nation of constitutional rights functioning in the form of civil liberties and the laws necessary to uphold them. The daily operations, legitimacy, and even very existence of this nation are based upon the constitution. The lives of its' citizens are intertwined with its' application. Every governmental or civil action must be in accordance, first and foremost, with the entirety of the constitution and all of the civil liberties guaranteed within.

II . JURISDICTION and VENUE

2. NOW COMES DANIEL BOYD, acting in proper person as the plaintiff herein, currently being held unlawfully and unconstitutionally within a Bureau of Prisons facility. The plaintiff expressly requests a total waiver of court fees in this matter due, in pertinent part, that he is actually innocent and is being denied access to records and information requested. That information requested has not been authentically declared legally exempt from disclosure by law. He brings this suit pursuant to [Title 5 USC section 552(a)(4)(B) and 552(a)(6)(C)(i)] and the [Presidential Executive Order/Memorandum 74 Fed. Reg. 4683]

signed on January 21, 2009]. All of the defendants are employed within the jurisdiction of this court and have mailing addresses in Washington, the District of Columbia. Therefore, this suit is properly brought in the United States District Court for the District of Columbia.

III . PLAINTIFF

3. The plaintiff was, at all relevant times, prosecuted in the United States.

IV . DEFENDANTS

4. The aforementioned defendants are legally responsible for withholding documents necessary for any criminal defense.

V . RELIEF REQUESTED

5. The plaintiff seeks the declaratory and injunctive relief authorized by the constitution pursuant to [Federal Rule of Civil Procedure 65].

6. The plaintiff requests that this judiciary look at the specific acts challenged, not the judicial proceedings preceding them.

7. Plaintiff requests disclosure and/or receipt, without charge, of:

a) Certified copy of his plea agreement;

b) Affidavit of criminal complaint;

c) Information filed by the government;

d) Arrest warrant or summons;

e) Letter of Certificate of concurrence;

f) Affidavit of Complaint of Probable Cause Hearing;

g) Grand Jury transcripts, ballot, or record for inspection, and;

h) All indictments, duly endorsed by their foreperson and the United States Attorney, or colloquy of defendant being advised of his right to a true-bill indictment and waiving it.

8. Plaintiff requests that he is granted assertion of his constitutional rights so as to pursue justice and stop the defendants from maintaining control of the requested documents - if they do exist.

9. A review of this matter to determine the truth as to whether the documents requested actually exist or not and to determine the authenticity of any documents that are disclosed - as great reason exists to believe that they may be forged or fabricated.

VI . STATEMENT of FACTS and INJUSTICE ARGUMENT

10. The plaintiff reiterates his specific request for full disclosure of information from the government. His efforts to utilize the Freedom of Information Act appear to have been either refused, neglected, hidden, or ignored by the government. Plaintiff requested the documents twice (from the clerk of courts then FOIA), then filed a "Motion for Disclosure" in his criminal case (Criminal No. 5:09-CR-216-FL) to no avail, or even response. Despite these requests, the plaintiff was never accorded the right to inspect the documents. All of the requested records, documents, data, negotiable instruments, files, answers, response that would demonstrate whether or not the plaintiff is held lawfully were never presented upon request, said to be nonexistent, or even commented upon. Upon inspecting the court's docket, it does not seem that some or any of the hearings required to present these materials ever occurred. Plaintiff argues that he is held unconstitutionally and unlawfully.

11. Movant contends that the defendants acted to disguise that the court and its' officers acted in a clear absence of subject-matter jurisdiction and judicial power [USCS Const. Article III, 2 CL.2]. They exercised power in a manner that is forbidden by Article III and that conduct has been hidden by the defendants' refusal to disclose these documents pursuant to FOIA. The clause of Article III stipulates that judicial power is only extended to cases in law and equity, arising under the constitution, the laws of the United States, and any treaties made under their authority. The Supreme Court emphasized that jurisdiction in Federal Courts is governed by [28 United States Code section 1251] and that it is, essentially, the authority conferred by Congress to the courts to decide a particular kind of legal question, or case, in one manner or the other [Hogans v. Lavine, 415 US 528, 538 94 S. Ct. 137 2 39 L. Ed. 2 d 577 (1974)].

12. The defendants have hidden a violation of the laws most wholesome and necessary for public good. They hid the prosecution's, judge's, and involved parties' failure to assent to the Fifth Amendment's clause which states that, "[n]o person shall be held to answer for a capital or infamous crime unless on presentment of indictment by a grand jury of his peers." No court of this land has the authority to try a person without such an indictment. Knowing that these proceedings have not occurred in the plaintiff's criminal case, the defendants have refused to disclose those documents which demonstrate so. The prosecution failed to comply with the rules prescribed under the authority of Congress. In the [Acts of June 29th, 1950 ch, 445 18 USC (former) statute 687 and statute 3771] Congress detailed the proceedings in a criminal case - prior to and including a verdict.

13. Disclosure has not been made by the government to these documents essential to any criminal defense. It has the burden of proof, as indicated by the law maxim, "silence is equivalent to fraud." The documents requested and the subject thereof are delineated herein and are specific to each specific agency/branch of the United States government of which requests were sent to. These requested records stem from the plaintiff's "conviction," if it can be deemed such without the documents. He is a defendant-in-error without them.

14. The Plaintiff directs this court to make a finding of fact and law to establish whether the government even had probable cause to arrest him, subject-matter jurisdiction over him, an indictment which is facially "fair" standing upon the requirements of the Constitution's third article - based on the fact that these essential documents which supposedly support the claim to arrest, hold, convict, sentence, and imprison the plaintiff do not appear to exist. They do not appear to ever have existed; based on the court's docket and multiple outright ignored requests.

15. In [Gerstein v. Pugh, 420 US 103 (1975)] the Supreme Court rejected the contention, "[t]hat prosecutor's decision to file an information is itself a determination of probable cause that furnishes sufficient reason to detain a defendant pending trial." They elaborated that, "Although a conscientious decision that the evidence warrants prosecution affords a measure of protection against unfounded detention, we do not think prosecutorial judgment standing alone meets the requirements of the Fourth Amendment. Indeed, we think the Court's previous decisions compel disapproval of [such a] procedure." Being held without due process is itself a due-process violation which fundamentally invalidates all subsequent proceedings.

16. [Albrecht v. United States, 273 US 1, 5, 47 S. Ct. 250, 251, 71 L. Ed. 505 (1927)] held that an arrest warrant issued solely upon a United States Attorney's information was invalid because the accompanying affidavits were fundamentally defective. Therefore, an arrest based on such documentation is invalid, unlawful, and illegal under the Fourth Amendment [Ex Parte United States, 287 US 241, 250 (1931)]. A properly constituted jury must determine probable cause and an indictment must be returned in open court, otherwise it is "unfair upon its face." Therefore, the plaintiff is entitled to receive his materials.

17. The Executive Office for the United States Attorney claims that there was an indictment, however, they do not provide evidence that there was any Criminal Complaint or Sworn Affidavit made by the arresting officer and presented before a grand jury. Most of the requested documents are either undisclosed or heavily redacted, seeming to indicate that proper procedures were never instituted. There is no indication that facts were presented before a grand jury for them to ever produce an actual indictment.

VII . LEGAL CLAIM STATEMENT

18. Plaintiff seeks disclosure of these documents or a thorough investigation as to how it is possible to obtain an indictment, or an arrest warrant, without the essential due-process proceedings necessary to meet the basic standards of all "free" nations. It does not seem that an actual criminal complaint, magistrate complaint, or sworn affidavit was ever filed prior to capturing the

plaintiff. It is strange that finalizing signatures, which make documents reach the status of "true bill," are not present on the Return of the Judgment and Commitment Order, indictment, and other important documents. The plaintiff still seeks a lawful writ.

19. The plaintiff asserts that these documents simply do not exist or exist in a form inconsistent with the laws derived from the constitution. He is being held unlawfully. The documents which do exist are essentially forged to illegally incarcerate him in the Bureau of Prisons and are a direct result of vindictive prosecution. [18 USC section 1623(e)] and [18 USC section 3621(c)] have been blatantly violated in this case, and those of many others'. The procedures used to put the plaintiff in prison were not constitutional and violated [28 USC section 2071(b)] as the District court totally lacked subject-matter jurisdiction.

20. The [Presidential Executive Order Memorandum 74 Fed. Reg. 4683 signed on January 21st, 2009] issued by Barrack Obama indicates that the government must disclose this information. If it is non-existent, the court must act accordingly and issue a declaratory order to release the defendant. [Frank v. Delaware, 438 US 154, 165 (1978)] holds that statements that are knowingly false or that exhibit a reckless disregard for the truth must not be used by the Magistrate to determine probable cause. The Plaintiff contends that the United States District Court never had lawful jurisdiction over his person, being, interests, life, liberty, or property, as there were never those documents essential for a valid criminal prosecution as required by the [Rules of Federal Criminal Procedure].

21. A Federal criminal prosecution begins with an affidavit of criminal complaint which is then brought before a grand jury. The grand jury convenes and must concur upon findings of criminal activity for an indictment to reach the status of "true bill." United States courts do not have subject-matter jurisdiction to try a person without that process. These processes were instituted by the architects of the constitution so as to protect the masses from partial or vindictive prosecution by an official elite. Whatever verdicts are issued in total disregard of those laws are essential nullities and must be expunged without day. Without the oath of affirmation, a Complaint, which is presumed to specify the key elements of a crime, is null and void. Until those threshold requirements are met, it is not in pursuit of liberty or justice if a person is detained.

22. It is evident that there was an absence of probable cause in the preponderant criminal proceedings. The plaintiff requests a review of this matter to determine whether these documents ever existed. Federal prisoners may obtain transcripts and other documents pursuant to the [Court Reporter Act, 28 USC section 753(f)]. The claims raised herein meet the clear standard of being meritorious and require the documents to be decided. The plaintiff is financially incapable of procuring these documents and is in need of them in order to establish the level of injustice perpetrated.

VIII . CERTIFICATE of SERVICE and CLOSING

Addressed for Service of Process:

Donald Trump
Executive Office of the President of the United States
1600 Pennsylvania Ave., NW.
Washington, DC 20510

William Barr
United States Dept. of Justice
950 Pennsylvania Ave., NW.
Washington, DC 20530-0001

Susan B. Gerson
Office of the US Attorneys
FOIA/Privacy Unit
Department of Justice
600 E. St., NW.
Room 7300
Washington, DC 20530-0001

Associate Director
Office of Information Policy
1425 NY Ave., NW.
Suite 11050
Washington, DC 20530-0001

David Harlow
United States Marshals' Service
H. Carl Moultrie Courthouse
500 Indiana Ave., NW.
Room C-520
Washington, DC 20001

William Bordley
United States Marshals' Service
FOIA/PA, CS 7, 10th Fl.
2604 Jefferson Davis Highway
Alexandria, VA 22301

Director of the Bureau of Prisons
Central Office
First St., NW
Washington, DC 20534

IX. EXHIBITS

- a) Response to Letter to Clerk of Courts
- b) Court Docket
- c) Motion for Disclosure Filings
- d) FOIA Filings

X Attachments

- A) Request to Proceed Without Prepayment of Filing Fees with Declaration in Support.

CERTIFICATE of SERVICE and CLOSING

I, Daniel Boyd, hereby certify that the forgoing is a truly served copy. It must be deemed filed at the time delivered to prison authorities for forwarding to the court [Houston v. Lack, 101 L. Ed. 2d 245 (1988)], upon the court and parties to litigation. This was accomplished by placing the same in a sealed, postage paid, envelope, then depositing it in the United States Postal Mail at the facility designated below.

By signing below, I certify that: this complaint complies with the requirements of the [Federal Rules of Court Procedure 11]. To the best of my knowledge and information, I certify that this complaint is not being presented for any improper purpose, such as: harassment, causing unnecessary delay, or needlessly increasing the cost of litigation. I certify that it is supported by meritorious arguments of law and that the factual contentions presented have evidentiary support, or, if found to be deficient, will likely be identified to have evidentiary support after reasonable opportunity for investigation.

I declare under penalty of perjury that the forgoing is true and correct.

Signed on 5/27/20 19

x  , Pro Se

Name: Daniel Boyd
Inmate ID # 51765 - 050
 FCI or USP (Circled) Allenwood med.
PO Box 2000
White Deer, PA 17887-2000

#justice4all

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EXHIBIT - REFERENCE CASES

The court dockets and subsequent materials to the following cases are presented to demonstrate how endemic these due-process failures are to the current criminal system. They span various districts across the nation. Each case, however, is unique and presents its' own serious issues that fundamentally return to subject-matter jurisdiction over-reach due to "short-cuts" taken by prosecutors. Those "short-cuts" circumvent constitutional law.

a) _____ District of _____
_____-CR-_____

This is an example of criminal procedure done correctly. The court's docket mentions all of the required hearings and all documents are signed. When requested by the defendant in this case, he was quickly furnished with a copy of all requested materials. (No totally correctly processed case has been located as of this time.)

b) Najeem Moore
Eastern District of Wisconsin
2:13-CR-00084-LA-1

Moore was indicted then prosecuted later on a second, superseding, indictment. The court then accepted a waiver of indictment, suggesting that the initial indictment used to incarcerate the defendant was known to be invalid.

c) Dennis Gogel
Southern District of New York
1:13-CR-00521-L75

An international citizen arrested in Kenya, Africa, without a criminal complaint, indictment, or even information. He was extradited to the United States and sentenced under its' penal code without being afforded any of its' rights.

d) Roy Hale
Southern District of New York
1:92-CR-00091-RJD

Hale was prosecuted on a superseding indictment missing signatures by both the United States Attorney and the grand jury foreman. Despite prodding the court, it has been unable to demonstrate that any grand jury hearing ever occurred or that an United States Attorney validated the indictment. The government refuses to disclose the documents and continues to file frivolous, illegal, dismissals.

e) Ali Shukri Amin
Eastern District of Virginia
1:15-CR-00164-CMH-1

Arrested on a "search and seizure" without a criminal complaint, indictment, or information; as a legal juvenile. He was held for over one-hundred days under torturous conditions. The prosecution then presented information to the courts, without his consensual waiver of indictment, only after a guilty plea. The government refuses to issue a warrant of arrest or any of these other documents.

f) Munir Abdulkader
Southern District of Ohio
1:16-CR-00019-MRB-1
A victim of entrapment, held in custody for over thirty-four months before being arraigned on any criminal complaint. He was arrested without an arrest warrant, which was filed and returned served the next day. His counsel filed ten waivers in collusion with the prosecution. Kept in solitary confinement under communication restrictions for almost the entire period during which the major decisions regarding his criminal case were made, without his consent. The government refuses to acknowledge his

requests for documentation.

g) Daniel Boyd
North Carolina
5:09-CR-00216-FL

Arrested on an indictment and put into solitary confinement for over two years. He was prosecuted and convicted on a second, superseding indictment, which was never presented to a grand jury. The signature is redacted on the only indictment received by the courts, which was dropped and has no significance. The government refuses to disclose the pertinent documents.

h) James O. Johnson
District of Maryland
8:09-CR-00085-DKC

Arrested without a criminal complaint, which was filed after his arrest. Held in custody on false-pretense indictments filed as information, then the court filed a waiver of indictment much later.